



भारत का राजपत्र

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नई विल्सो, शनिवार, अप्रैल २९, १९७८/वैशाख ९, १९००

No. 17]

NEW DELHI, SATURDAY, APRIL 29, 1978/VAISAKHA 9, 1900

इस भाग में मिल्य पृष्ठ संख्या वी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके
 Separate paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड ३—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ राज्यक्षेत्र प्रशासनों को छोड़कर)
 केन्द्रीय प्राधिकारियों द्वारा जारी किये गए सांविधिक आदेश और अधिसूचनाएं

**Statutory Orders and Notifications issued by the Ministries of the Government of India
 (other than the Ministry of Defence) by Central Authorities
 (other than the Administrations of Union Territories)**

भारत निर्वाचन आयोग

नई दिल्ली, 23 मार्च, 1978

का० भा० 1198.—लोक प्रतिनिधित्व अधिनियम, 1950 (1950 का 43) की धारा 13क की उपधारा (1) द्वारा प्रवत्त शक्तियों का प्रयोग करते हुए, भारत निर्वाचन प्रायोग तमिलनाडु सरकार के परामर्श से, श्री डॉ० के० श्रीमा की छुट्टी के दौरान श्री पी० वैन्कटकृष्णन, आई० ए० एस० निदेशक, टाउन एण्ड कम्पनी ब्लानिंग को तमिलनाडु राज्य के लिए मुख्य निर्वाचन अधिकारी के रूप में नाम निर्देशन करता है।

[रक्षा 154/तमिलनाडु/77]

बो० नामसुश्रमणन, सचिव

toral Officer for the State of Tamil Nadu, during the absence
 on leave of Shri D. K. Oza.

[No. 154/TN/77]

V. NAGASUBRAMANIAN, Secy.

New Delhi, the 14th April, 1978

S.O. 1199.—In pursuance of section 106 of the Representation of the People Act, 1951, the Election Commission hereby publishes the judgment dated the 20 March, 1978 of the High Court of Judicature at Patna in Election Petition No. 1 of 1977.

**IN THE HIGH COURT OF JUDICATURE AT
 PATNA**

Election Petition No. 1 of 1977

Nagendra Pd. Yadav & another Petitioner Vs. Shyam Sunder Das—Respondent.

19. 20-3-78.

The learned Advocate for the petitioner Shri Kamla Kant Pd. appearing for the petitioners states that he sent three letters to the petitioners but they have not turned up as yet. He prays for further adjournment to enable him to call his client. Shri Prabha Shanker Mishra appearing for the respondent opposes

the prayer for adjournment. He further says that if the election petition is dismissed for non-prosecution, then cost may be awarded to the respondent.

After hearing the submissions of the parties on the point of adjournment I am of the opinion that it will not be proper to grant any adjournment. The case was called for hearing. No prayer for adjournment was asked for earlier. The policy of the High Court is that election matter should be disposed of speedily. I see no good ground for adjourning the case. In the circumstances, I dismiss the election petition for non-prosecution but I will not award any costs to the respondent. The petitioners will be entitled to withdraw the security money if there be no legal objection to the same. The respondent also will be entitled to withdraw the witness' costs deposited by him if there be no legal objection to the same.

True Copy

Sd/-

Sd/- Medini Pd. Singh

TRUE COPY

Sd/-

Deputy Registrar II

PATNA HIGH COURT.

Sd/-

30/3/78

Sd/-

[No. 82/BR/HP/1/77]

R. D. SHARMA, Under Secy.

राह जांच अध्येत्र

नई दिल्ली, 3 मार्च, 1978

जांच आयोग द्वारा अनुसरण की जाने प्रक्रिया के विनियमों में संशोधन

का०आ० 1200.—भारत सरकार के राजस्व अधिकारण में प्रकाशित मुहमंत्रालय की हारीत्र 28 मई, 1977 की अधिसूचना संख्या 374(४०) द्वारा गठित जांच आयोग ने जांच आयोग (केन्द्रीय) नियम, 1972 के नियम 5 के बाहे (8) के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए अपनी प्रक्रिया के विनियम बनाए हैं, जो कि भारत के राजपत्र संख्या 35 में विनाक 27 प्रगत्त, 1977 को का०आ० संख्या 2667 के भाग II के बांड 3 के उपबांड (ii) में प्रकाशित किए गये हैं।

उक्त विनियमों के नियम 25 को निम्न प्रकार से संशोधित किया जाए —

25. “आयोग के सन्तुष्ट तथा पुलिस महानिरीक्षक मृद्यालय, दिल्ली को जांच आयोग (केन्द्रीय) नियम, 1972 के नियम 4(2) और (6) के अधीन आयोग द्वारा जारी किये जाने वाले समनों और प्रयोग आदेशों पर हस्ताक्षर करने के लिए प्राप्तिकृत किया गया है”।

आयोग के आवेदन में

[स०एफ० 31011/6/77-कोमाई०/एस सी एस०]

पी० आर० राजगोपाल, सचिव

SHAH COMMISSION OF INQUIRY

New Delhi, the 3rd April, 1978

Amendment to the Regulations of Procedures to be followed by the Commission of Inquiry

S.O. 1200.—In exercise of the powers conferred under Clause (8) of Rule 5 of Commission of Inquiry (Central)

Rules, 1972, the Commission of Inquiry constituted by the Ministry of Home Affairs, Government of India Gazette Notification No. 374(E) dated the 28th May, 1977, framed the Regulation of Procedure to be followed by the Commission as notified vide S.O. 2667 published under Part II Section 3 Sub-section (ii) of the Government of India Gazette No. 35 dated the 27th August, 1977.

Rule 25 of the Regulations is amended to read as under:

25. “Secretary to the Commission and Inspector General of Police Hqrs., Delhi have been authorised under Rule 4(2) and (6) of the Commissions of Inquiry (Central) Rules 1972 to sign Summons and every other process issued by the Commission”.

By order of the Commission

[No. F. 31011/6/77-Coord/SCII]

P. R. RAJGOPAL, Secy.

वित्त मंत्रालय

(राजस्व विभाग)

नई दिल्ली, 26 नवम्बर, 1977

प्राय-कर

का० आ० 1201--सर्वमाध्यारण की जानकारी के लिए यह अधिसूचित किया जाता है कि निम्नलिखित वैशानिक अनुमधान कार्यक्रम को भारतीय विकासमा अनुमधान परिषद् नई, दिल्ली ने आयोग अधिविधियम, 1961 की धारा 35 की उपधारा (2क) के प्रयोजनों के लिए नीचे विनियिष्ट अधिविधि के लिए अनुमोदित किया है।

परियोजना का नामः (i) स्तनपाइयों में परजीवी वीमारियों के प्रमाणपूर्ण उन्मूलन की एक नई पद्धति, और
(ii) माइटोकलामिन्स (कोणकीय शिथिलता) के उत्पादन के लिए नए कठक मूल के पदार्थ और उनके वैविधीय प्रभावों विशेषत ट्यूमर-रोधी तत्वों के अध्ययन के लिए किसी माप भान पर उपका उत्पादन।

आयोजनकर्ता भारतीय श्रीष्ठि सगठन, पुणे

आरम्भ होने की तारीखः निधि उपलब्ध होने पर यथा श्रीष्ठि पूर्ण होने की अनुमानित

तारीख 1977-1982

अनुमानित लागत रुपये 6,44,000 रु श्रीर 6,42,200 रु

भारतीय श्रीष्ठि सगठन, पुणे वित्त मंत्रालय के राजस्व विभाग की अधिसूचना सं० का० आ० 3210 तारीख 20-11-1962 के अधीन अनुमोदित किया जा चुका है।

[स० 2056(का० सं० 203/145/77-प्राय-का०प्रा०II)]

MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 26th November, 1977

INCOME TAX

S.O. 1200.—It is hereby notified for general information that the following scientific research programme has been approved for the period specified below for the purposes of sub-section (2A) of Section 35 of the Income-tax Act, 1961, by the Indian Council of Medical Research, New Delhi.

Name of the project.—(i) A new method for the effective eradication of parasitic diseases in Mammals and (ii) new fungal source materials for producing sytochalasins and their production on some scale for the study of their biological effects, particularly anti-tumour properties.

To be undertaken by.—Indian Drug Association Poona.

Date of commencement.—As soon as the funds are available.

Date of completion.—1977—1982.

Estimated cost.—Rs. 6,44,000 and Rs. 6,42,200 respectively. The Indian Drug Research Association, Poona stands approved vide Ministry of Finance Notification No. S.O. 210 dated the 20-11-1962.

[No. 2056 (F. No. 203/145/77-ITA II)]

नई दिल्ली, 22 दिसम्बर, 1977

आय-कर

का० आ० 1202—सर्वसाधारण की जानकारी के लिए यह अधिसूचित किया जाता है कि निम्नलिखित वैज्ञानिक अनुमधान कार्यक्रम को विहित प्राधिकारी अर्थात् सचिव, विज्ञान और प्रौद्योगिक विभाग, नई दिल्ली में आय-कर अधिनियम, 1961 की धारा 35 की उपधारा (2), के प्रयोजनों के लिये नीचे विविध अवधि के लिए अनुमोदित किया है:

वैज्ञानिक अनुमधान कार्यक्रम का नाम : बड़े पैमाने पर अभिकलिक की एक रूपता द्वारा भवित्व विश्लेषण

आयोजनकारी : मिस्टर्स रिसर्च इस्टीचूट-6 पार्वती-विला रोड, पुणे, 411001.

आरम्भ होने की प्रत्यायित तारीख : 15 अगस्त, 1977

पूर्ण होने की अनुमानित तारीख : अगस्त, 1980

अनुमानित लागत : 8 लाख रुपए।

मिस्टर्स रिसर्च इस्टीचूट, पुणे को आय-कर अधिनियम, 1961 की धारा 35 (1)(ii) के अंतर्वेत वित्त मंत्रालय के राजस्व और बैंकिंग विभाग की अधिसूचना मा० 1025 (फा० मा० 203/43/75-आ०क०आ० II), तारीख 22 अगस्त, 1975 के अंतर्वेत अनुमोदित किया जा चका है।

[मा० 2081 (फा०सा० 203/111/77-आ०य०आ० II)]

New Delhi, the 22nd December, 1977

INCOME TAX

S.O. 1202—It is hereby notified for general information that the following scientific research programme has been approved for the period specified below for the purposes of sub-section (2A) of section 35 of the Income-tax Act, 1961, by the Secretary, Department of Science & Technology, New Delhi.

Name of the Scientific Research Programme.—Futures Analysis by large scale computer simulation.

To be undertaken by.—Systems Research Institute, 6, Parvativila Road, Pune-411001.

Proposed date of commencement.—15th August, 1977.

Anticipated date of completion.—August, 1980.

Estimated Expenditure.—Rs. 8 lakhs.

The Systems Research Institute, Pune, has been approved under section 35(1)(ii) of the Income-tax Act, vide Ministry of Finance, Department of Revenue & Banking Notification No. 1025 (F. No. 203/43/75-ITA II) dated the 22nd August, 1975.

[No. 2081(F. No. 203/111/77-ITA. II)]

नई दिल्ली, 28 जनवरी, 1978

आय-कर

का० आ० 1203—सर्वसाधारण की जानकारी के लिए अधिसूचित किया जाता है कि विहित प्राधिकारी अर्थात् भारतीय समाज विज्ञान अनुमधान परिषद् ने निम्नलिखित संस्था को आय-कर अधिनियम, 1961 की धारा 35 की उपधारा (1) के अंतर्वेत (iii) के प्रयोजनों के लिए निम्नलिखित संस्था पर अनुमोदित किया है:

(i) यह कि इण्डियन इस्टीचूट आफ एकनामिक्स, हैदराबाद द्वारा इस लृप्त के अधीन संयुक्त निधियों का उपयोग एकमात्र समाज विज्ञान के अनुमधान को उन्नति के लिए ही किया जाएगा।

(ii) यह कि इस्टीचूट इस लृप्त के अधीन संग्रह की गई निधियों का हिमाला भूमि से रखेगा।

(iii) यह कि इस्टीचूट लृप्त के प्रब्रीन एकल की गई निधियों का और वह रीति जिसमें उनका उपयोग किया गया है, विनियोग करने हुए एक वार्षिक रिपोर्ट भारतीय समाज विज्ञान अनुमधान परिषद् को भेजेगा।

संस्था

इण्डियन इस्टीचूट आफ इकनामिक्स, हैदराबाद
यह अधिसूचना 1-12-1977 से 30-11-1980 तक प्रबृत्त रहेगी।

[मा० 2123 (फा०सा० 203/190/76-प्राई०टी०आ० II)]

New Delhi, the 13th January, 1978

INCOME TAX

S.O. 1203.—It is hereby notified for general information that the institution mentioned below has been approved by the Indian Council of Social Science Research the prescribed authority for the purposes of clause (iii) of sub-section (1) of Section 35 of the Income-tax Act, 1961, subject to the following conditions :—

1. The funds collected by the Indian Institute of Economics, Hyderabad, under this exemption will be utilised exclusively for promotion of research in social sciences.
2. That the Institute shall maintain separate accounts of the funds collected by them under this exemption.
3. That the Institute shall send an annual report to the Indian Council of Social Science Research, New Delhi, showing the funds collected under the exemption and the manner in which the funds were utilised.

INSTITUTION

THE INDIAN INSTITUTE OF ECONOMICS,
HYDERABAD

This notification takes effect from 1-12-1977 to 30-11-1980.

[No. 2123(F. No. 203/190/76-ITA II)]

नई दिल्ली, 28 जनवरी, 1978

आय-कर

का० आ० 1204—इस विभाग की अधिसूचना मा० 1164, तारीख 15 दिसम्बर, 1975 (फा० मा० 203/31/75-आ०टी०आ० II) के अनुमधान में सर्वसाधारण की जानकारी के लिए, यह अधिसूचित किया जाता है कि निम्नलिखित संस्था को विहित प्राधिकारी अर्थात् भारतीय चिकित्सा

अनुसंधान परिषद् ने आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के प्रयोजनों के लिए केवल वैज्ञानिक अनुसंधान के प्रयोजन के लिए व्यय उपगत करने की बाबत अनुमोदित किया है।

संस्था

हस्तीमल सांचेति स्मारक न्यास, पुणे

यह अधिसूचना 15 दिसम्बर, 1977 से 14 दिसम्बर 1979 तक के दो वर्ष की अवधि के लिए प्रभावी रहेगी।

[सं. 2136 (फा० सं. 203/181/77-प्राई०टी०ए०II)]

New Delhi, the 28th January, 1978

INCOME TAX

S.O. 1204.—In continuation of this Department's Notification No. 1164 dated 15th December, 1975 (F. No. 203/31/75-ITA.II) it is hereby notified for general information that the Institution mentioned below has been approved by Indian Council of Medical Research, the prescribed authority for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 in respect of only the expenditure incurred on scientific research purposes.

INSTITUTION

HASTIMAL SANCHETI MEMORIAL TRUST,

POONA

The notification is effective for a period of two years from 15th December, 1977 to 14th December, 1979.

[No. 2136(F. No. 203/181/77-ITA. II)]

आय-कर

का० आ० 1205.—सर्वेसाधारण की जानकारी के लिए अधिसूचित किया जाता है कि विहित प्राधिकारी, अर्थात्, भारतीय चिकित्सा अनुसंधान परिषद् ने निम्नलिखित संस्था को आय-कर नियम, 1962 के नियम 6(ii) के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के प्रयोजनों के लिए चिकित्सा अनुसंधान के क्षेत्र में “वैज्ञानिक अनुसंधान संगठन” के प्रवर्ग के अन्तर्गत निम्न-नियित शर्तों पर अनुमोदित किया है, अर्थात्:—

- (i) यह कि मन्त्रा चिकित्सा अनुसंधान के क्षेत्र में वैज्ञानिक अनुसंधान के लिए प्राप्त राशियों का हिसाब पृष्ठक से रखेगी।
- (ii) यह कि मन्त्रा प्रत्येक वित्तीय वर्ष के लिए प्रपत्ते वैज्ञानिक अनुसंधान संबंधी क्रियाकलापों की एक वार्षिक दिवारणी परिषद् को प्रति वर्ष 15 मई तक ऐसे प्ररूपों में प्रस्तुत करेगी जो इस प्रयोजन के लिए अधिकारित किए जाएं और उसे सूचित किए जाएं।

संस्था

भारतीय विंग अनुसंधान मोर्ग सामूह विज्ञान संस्थान, तिहापति।

यह अधिसूचना 17-12-77 से 16-12-1979 तक की दो वर्ष की अवधि तक प्रभावी रहेगी।

[सं. 2137 (फा० सं. 203/3/78-प्राई०टी०ए०II)]

INCOME TAX

S.O. 1205.—It is hereby notified for general information that the institution mentioned below has been approved by Indian Council of Medical Research, the prescribed authority for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961, read with Rule 6(ii) of the Income-tax Act, 1962 under the category of “Scientific Research Association” in the field of medical research, subject to the following conditions:—

- (i) That the Institution will maintain a separate account of the sums received by it for scientific research in the field of medical research.

- (ii) That the Institution will furnish annual returns of its scientific research activities to the Council for each financial year by 15th May, each year at the latest, in such form as may be laid down and intimated to them for this purpose.

INSTITUTION

The Indian Institute of Research in Yoga and Allied Sciences, Tirupati.

This notification is effective for a period of two years from 17-12-77 to 16-12-1979.

[No. 2137(F. No. 203/3/78-ITA. II)]

आय-कर

का० आ० 1206.—इस विभाग को अधिसूचना सं. 1178, तारीख 27-12-1975 के अनुसरण में सर्वेसाधारण की जानकारी के लिए अधिसूचित किया जाता है कि विहित प्राधिकारी, अर्थात् भारतीय चिकित्सा अनुसंधान परिषद् ने निम्नलिखित संस्था को आय-कर नियम, 1962 के नियम 6(ii) के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के प्रयोजनों के लिए चिकित्सा अनुसंधान के क्षेत्र में वैज्ञानिक अनुसंधान संगठन के प्रवर्ग के अन्तर्गत निम्नलिखित शर्तों पर अनुमोदित किया है, अर्थात्:—

- (i) यह कि संस्था चिकित्सा अनुसंधान के क्षेत्र में वैज्ञानिक अनुसंधान के लिए प्राप्त राशियों का हिसाब पृष्ठक से रखेगी।
- (ii) यह कि संस्था प्रत्येक वित्तीय वर्ष के लिए अपने वैज्ञानिक अनुसंधान संबंधी क्रियाकलापों को एक वार्षिक दिवारणी परिषद् को प्रति वर्ष 15 मई तक ऐसे प्ररूपों में प्रस्तुत करेगी जो इस प्रयोजन के लिए अधिकारित किए जाएं और उसे सूचित किए जाएं।

संस्था

मंगलोर मेडिकल रिलीफ सोसाइटी (रजिस्टर्ड) मंगलोर।

यह अधिसूचना 27-12-1977 से 26-12-1979 तक की दो वर्ष की अवधि तक प्रभावी रहेगी।

[सं. 2138 (फा० सं. 203/2/78-प्राई०टी०ए०II)]

INCOME TAX

S.O. 1206.—In continuation of this Department's notification No. 1178 dated 27-12-1975, it is hereby notified for general information that the institution mentioned below has been approved by Indian Council of Medical Research, the prescribed authority for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961, read with rule 6(ii) of the Income-tax Act, 1962 under the category of “Scientific Research Association” in the field of medical research, subject to the following conditions:—

- (i) The institution will maintain a separate account of the sums received by it for scientific research in the field of medical research.
- (ii) The Institution will furnish annual returns of its scientific research activities to the council for each financial year by 15th May each year at the latest, in such form as may be laid down and intimated to them for this purpose.

INSTITUTION

MANGALORE MEDICAL RELIEF SOCIETY

(REGD.) MANGALORE.

This notification is effective for a period of two years from 27-12-1977 to 26-12-1979.

[No. 2138(F. No. 203/2/78-ITA. II)]

आदेश-कर

का० आ० 1207.—सर्वसाधारण की जानकारी, के लिए अधिसूचित किया जाता है कि विहित प्राधिकारी अर्थात् संसिद्धि, विज्ञान और प्राची-ग्रन्थी विभाग, नई दिल्ली, ने निम्नलिखित संस्था को आय-कर नियम, 1962 के नियम 6(IV) के साथ पठित आयकर अधिनियम, 1961 की आरा 35 की उपधारा (1) के खण्ड (ii) के प्रयोजनों के लिए अन्य प्राकृतिक या अनुप्रयुक्त विज्ञानों के क्षेत्र में “संगठन” प्रवर्ग के अधीन निम्नलिखित शर्तों पर अनुमोदित किया है, अर्थात् :—

- (i) यह कि संगठन कृषि/पशुपालन/माल्यकी और औषधि से भिन्न प्राकृतिक या अनुप्रयुक्त विज्ञानों के क्षेत्र में वैज्ञानिक अनुसंधान के लिए प्राप्त गश्तियों का हिसाब पूर्ण से रखेगा।
- (ii) उक्त संगठन प्रत्येक विस्तीर्ण वर्ष के लिए अपने वैज्ञानिक अनुसंधान संबंधी किया कलापों की एक वार्षिक विवरणी विहित प्राधिकारी को प्रति वर्ष 30 अप्रैल तक ऐसे प्रलिप्तों में प्रस्तुत करेगा जो इस प्रयोजन के लिए अधिकारित किए जाएं और उसे सूचित किए जाएँ।

संस्था

1. बोस संस्थान, कलकत्ता।
2. भारतीय राष्ट्रीय विज्ञान अकादमी, नई दिल्ली।
3. वाडिया हिमालय भू-विज्ञान संस्थान, देहरादून।
4. पद्मजा नायडू हिमालय, जूलाजिकल पार्क, दार्जिलिङ।

यह अधिसूचना 1 जुलाई, 1977 से प्रवृत्त है।

[सं० 2139 (फा० सं० 203/153/77-आई० टी०ए० II)]

INCOME TAX

S.O. 1207.—It is hereby notified for general information that the institution mentioned below has been approved by the Secretary, the Department of Science & Technology, New Delhi, the prescribed authority for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961, read with Rule 6(IV) of the Income-tax Rules, 1962 under the category of “Association” in the area of other natural or applied sciences, subject to the following conditions :—

- (i) that the Association will maintain a separate account of the sums received by it for scientific research in the field of natural or applied sciences other than Agriculture/Animal husbandry/fisheries & medicines.
- (ii) That the said association will furnish the Annual Return of its Scientific Research Activities to the Prescribed Authority for every financial year in such forms as may be laid down and intimated to them for this purpose, by 30th April, each year.

INSTITUTION

1. Bose Institute, Calcutta.
2. Indian National Science Academy, New Delhi.
3. Wadia Institute of Himalayan Geology, Dehra Dun.
4. Padmja Naidu Himalaya Zoological Park, Darjeeling.

This notification is effective from 1st July, 1977.

[No. 2139(F. No. 203/143/77-ITA. II)]

आदेश-कर

का० आ० 1208.—सर्वसाधारण की जानकारी के लिए अधिसूचित किया जाता है कि विहित प्राधिकारी अर्थात् भारतीय कृषि अनुसंधान

परिषद् ने प्राय-कर अधिनियम, 1961 की आरा 35 की उपधारा (1) के खण्ड (II) के प्रयोजनों के लिए निम्नलिखित संस्था को अनुमोदित किया है।

संस्था

भू-अनुसंधान संस्थान, मुम्बई

यह अधिसूचना 1-4-1977 से 31-3-1979 तक के 2 वर्ष की अवधि के लिए प्रभावी रहेगी।

[सं० 2140 (फा० सं० 203/71/77-आ० क० ए० II)]

जे० पी० शर्मा, निवेशक

INCOME TAX

S.O. 1208.—It is hereby notified for general information that the institution mentioned below has been approved by Indian Council of Agricultural Research, the prescribed authority for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961.

INSTITUTION

LAND RESEARCH INSTITUTE, BOMBAY

The notification is effective for a period of 2 years from 1-4-1977 to 31-3-1979.

J. P. SHARMA, Director

(आधिकारिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 31 मार्च, 1978

का० आ० 1209.—गोआ, दमन एवं दीउ (इंक पुनर्निर्माण विनियम, 1962 के विनियम 4(1) के अन्तर्गत प्रदल शक्तियों का प्रयोग करते हुए, भारत सरकार प्रदलद्वारा स्टेट बैंक आर्फ़ इंडिया के स्टाफ़ अफसर श्री बी० एन० नाडकर्णी को श्री वाई० बी० दामले के स्थान पर 1 अप्रैल, 1978 से अगले आवेदों तक बांक नामियोनोल ग्रतामारीन एंड कारब एकोनोमिक श्री गोआ का ‘कस्टोडियन’ नियुक्त करती है।

[संब्धा 22(I)बी० आ०-III/78]

मे० भा० उमरावीकर, अध्यक्ष राज्यिक

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 31st March, 1978

S.O. 1209.—In exercise of the powers conferred under Regulation 4(1) of the Goa, Daman and Diu (Banks Reconstruction) Regulation 1962, the Central Government hereby appoints Shri V. N. Nadkarni, Staff Officer in the State Bank of India as the Custodian of Banco Nacional Ultramarino and Caixa Economica de Goa, with effect from 1st April, 1978 until further orders, vice Shri Y. B. Damle.

[No. 22(1)-B.O. III/78]

M. B. USGAONKAR, Under Secy.

(अध्यक्ष विभाग)

नई दिल्ली, 30 मार्च, 1978

का० आ० 1210.—राष्ट्रपति, संविधान के अनुच्छेद 309 के परन्तुक और अनुच्छेद 148 के खण्ड (5) द्वारा प्रदल शक्तियों का प्रयोग करते हुए, भारतीय लेखापरीक्षा और लेखाविभाग में मेवारत व्यक्तियों की बाबत नियंत्रक महा लेखापरीक्षक से परामर्श करने के पश्चात् अंशदायी

भविष्य निधि नियम (भारत) 1962 में और संशोधन करने के लिए निम्नलिखित नियम बनाते हैं, प्रथमतः—

1. (1) इन नियमों का नाम अंशदायी भविष्य निधि नियम (भारत) संशोधन नियम, 1978 है।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होगे।

2. अंशदायी भविष्य निधि नियम (भारत), 1962 में नियम 18 में “खण्ड (1) का उपखण्ड (क), (ख) और (ग)” शब्दों, कोष्ठकों और प्रक्षरों का लोप किया जाएगा।

[सं. 13 (5)ई०-(धी०)/77-सी० पी०एफ०]

(Department of Expenditure)

New Delhi, the 30th March, 1978

S.O. 1210.—In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 148 of the Constitution, the President, after consultation with the Comptroller and Auditor General in relation to persons serving in the Indian Audit and Accounts Department, hereby makes the following rules further to amend the Contributory Provident Fund Rules (India), 1962, namely :—

1. (1) These rules may be called the Contributory Provident Fund (India) Third Amendment Rules, 1978.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Contributory Provident Fund Rules (India), 1962, in rule 18, the words, brackets and letters “sub-clauses (a), (b) and (c) of clause (A) of” shall be omitted.

[No. 13(S)-EV(B)/77-CPF]

का०आ० 1211.—राष्ट्रपति, संविधान के अनुच्छेद 309 के परन्तुक और अनुच्छेद 148 के खण्ड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारतीय लेखापरीक्षा और लेखा विभाग में सेवारान व्यक्तियों की बाबत नियंत्रक महालेखापरीक्षक से परामर्श करने के पश्चात्, साधारण भविष्य निधि (केन्द्रीय सेवा) नियम, 1960 में और संशोधन करने के लिए निम्नलिखित नियम बनाती है, प्रथमतः—

1. (1) इन नियमों का नाम साधारण भविष्य निधि (केन्द्रीय सेवा) वौथा संशोधन नियम, 1978 है।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होगे।

2. साधारण भविष्य निधि (केन्द्रीय सेवा) नियम, 1960 में नियम 16-क में “खण्ड (1) का उपखण्ड (क), (ख) और (ग)” शब्दों, कोष्ठकों और प्रक्षरों का लोप किया जाएगा।

[सं. 13(5)ई०-(धी०)/77-जी.पी०एफ०]

एम० ए० एल० मल्होत्रा, भवर मन्त्रिव

S.O. 1211.—In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 148 of the Constitution, the President, after consultation with the Comptroller and Auditor General in relation to the persons serving in the Indian Audit and Accounts Department, hereby makes the following rules further to amend the General Provident Fund (Central Services) Rules, 1960, namely :—

1. (1) These rules may be called the General Provident Fund (Central Services) Fourth Amendment Rules, 1978.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the General Provident Fund (Central Services) Rules, 1960, in rule 16-A, the words, brackets and letters “sub-clauses (a), (b) and (c) of clause (A) of” shall be omitted.

[N. 13(5)-EV(B)/77-GPF]

S. S. L. MALHOTRA, Under Secy.

वाणिज्य नागरिक आपूर्ति एवं सहकारिता मंत्रालय

आदेश

नई दिल्ली, 29 मार्च, 1978

का०आ० 1212.—केन्द्रीय सरकार की राय है कि नियति (क्षालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत के नियंत्रित आपार के विकास के लिए भारत सरकार के वाणिज्य मंत्रालय के इस्पात के तार के रस्सों के नियंत्रण से पूर्व उनके क्षालिटी नियंत्रण और निरीक्षण संबंधी आवेदन मं. का० आ० 1989, तारीख 10 अगस्त, 1974 में नीचे विनियिष्ट रीति से संशोधन करना आवश्यक तथा समीक्षीय है :

और केन्द्रीय सरकार के उक्त प्रयोजन के लिए नीचे विनियिष्ट प्रस्ताव तैयार किए हैं और उन्हे नियति (क्षालिटी नियंत्रण और निरीक्षण) नियम, 1964 के नियम II के उप-नियम (2) को अपेक्षा नुगार नियति निरीक्षण परिषद् को भेज दिया है :

अतः, यद्यपि, केन्द्रीय सरकार, उक्त उपनियम के अनुसरण में उक्त प्रस्तावों को उन लोगों की जानकारी के लिए प्रकाशन करती है जिनके उनमें प्रभावित होने की संभावना है।

2. सूचना दी जाती है कि यदि कोई व्यक्ति उक्त प्रस्तावों के बारे में कोई आक्षेप या सुझाव देना चाहे तो वह उन्हे राजपत्र में इस प्रादेश के प्रकाशन की तारीख से 45 दिन के भीतर नियति निरीक्षण परिषद् ‘वर्ल्ड ट्रैड सेंटर’, 14/1-बी, एजरा स्ट्रीट, (ग्राउंड मजिल), कलकत्ता-1 को भेज सकता है।

प्रस्ताव

1. भारत सरकार के वाणिज्य मंत्रालय के आदेश सं. का०आ० 1989, तारीख 10 अगस्त, 1974 में निम्नलिखित संशोधन किया जाएगा, प्रथमतः—

(i) उक्त आदेश में :—

(i) पैरा (1) के उप-पैरा (3) में स्तम्भ (ग) के स्थान पर निम्नलिखित रखा जाएगा।

(ग) नियति-जर्ता द्वारा घोषित विनियोग इस्पात के तार के रस्सों के लिए मानक विनियोगों के रूप में नियंत्रित कर्ता द्वारा नियंत्रित संविदा में विनियोग होने :

परन्तु खण्ड (ग) में विनियिष्ट विनियोगों की दण में, ऐसी विषेषताओं के स्थान पर जो विदेशी क्रेता तथा नियंत्रित कर्ता द्वारा नियंत्रित संविदा में विनियिष्ट रूप से नहीं बताई गई है खण्ड (क) या खण्ड (ख) में वर्णित विनियोगों में बनाई गई विषेषताएँ लागू होती हैं।

(ii) पैरा 3 के रथान पर निम्नलिखित रखा जाएगा, प्रथमतः—

“3 परिभाषा”—इस आदेश में इस्पात की तार के रस्सों में एक विनियिष्ट ढग से तंतु कोर सहित अधिक रहित इस्पात की तार को लड़ियों का रूप देते हुए विनियिष्ट रस्से अभिप्रेत है। जहाँ इस्पात की तार की लड़ियों का अभिप्राय एक विनियिष्ट ढग से एक या अधिक तहों में एक धुरी पर कुण्डली की तरह बुमाते हुए गोलाकार—इस्पात की तारों से होता तथा छलाई अमावास, उत्तोलन, इस या अन्य किसी सहबद्ध उपयोग के लिए होता, परन्तु इसमें इस्पात की तार की लड़ियों को सम्मिलित नहीं किया जाएगा।”

[सं. 6(20)/71-नि०नि० तथा नि०उ०]

**MINISTRY OF COMMERCE, CIVIL SUPPLIES AND
COOPERATION**
ORDER

New Delhi, the 29th April, 1978

S.O. 1212.—Whereas the Central Government is of opinion that in exercise of the powers conferred by section 6 of the Export (Quality Control and Inspection) Act, 1963 (2 of 1963), it is necessary and expedient to amend the Order of the Government of India in the Ministry of Commerce No. S.O. 1989, dated 10th August, 1974, relating to Quality Control and Inspection of Steel Wire Ropes prior to their export, in the manner specified below for the development of the export trade of India;

And whereas the Central Government has formulated the proposals specified below for the said purpose and has forwarded the same to the Export Inspection Council as required under sub-rule (2) of rule 11 of the Export (Quality Control and Inspection) Rules, 1964:

Now, therefore, in pursuance of the said sub-rule, the Central Government hereby publishes the said proposals for the information of the public likely to be affected thereby.

2. Notice is hereby given that any person desiring to forward any objection or suggestion with respect to the said proposals may forward the same within fortyfive days from one date of publication of this order in the Official Gazette to the Export Inspection Council "World Trade Centre", 14/1B, Ezra Street (7th Floor), Calcutta-1.

PROPOSALS

1. The Order of the Government of India in the Ministry of Commerce No. S.O. 1989 dated 10th August, 1974 shall be amended as follows, namely :—

In the said Order,—

(i) in sub-paragraph (3) of paragraph 1, for clause, (c) the following shall be substituted, namely:—

(c) The specification as declared by the exporter to be the agreed specification of the export contract as the standard specification for Steel Wire Ropes,

Provided that in case of the specification specified, in clause (c) for the characteristics not specifically stipulated in the export contract by the foreign buyer and the exporter, the same as stipulated in the specifications mentioned in clause (a) or clause (b) would be applicable."

(ii) for Paragraph 3 the following shall be substituted, namely :—

"3. Definition :—In this Order "Steel Wire Ropes" means ropes manufactured by forming steel wire strands in a specified manner, with or without fibre core—where steel wire strand shall mean a number of round or shaped steel wires helically laid about an axis in one or more layers in a specified manner; and meant for applications such as haulage, winding, hoisting, drilling or for any other allied use, but shall not include steel wire treads."

[No. 6(20)/71 FI & EP]

आवेदन

का०आ० 1213.—केन्द्रीय सरकार की राय है कि, नियर्ति (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारत के नियर्ति व्यापार के मुद्रु विकास के लिए ऐसा करना आवश्यक तथा समीचिन है कि इस्पात के तार की लड़ियों का नियर्ति से पूर्व क्वालिटी नियंत्रण और निरीक्षण किया जाए ;

और केन्द्रीय सरकार ने उक्त प्रयोजन के लिए नीचे विनियिष्ट प्रस्ताव सैयार किए हैं और उन्हें नियर्ति (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1964 के नियम II के उप-नियम (2) की अपेक्षानुसार नियर्ति नियंत्रण परिषद् को भेज दिया है ;

अतः, अब, केन्द्रीय सरकार, उक्त उपनियम के अनुसरण में उक्त प्रस्तावों को उन लोगों की जानकारी के लिए प्रकाशित करती है जिनके उनसे प्रभावित होने की संभावना है ।

2. सूचना दी जाती है कि यदि कोई व्यक्ति उक्त प्रस्तावों के बारे में कोई आक्षेप या सुमाय देना चाहे तो वह उन्हें राजपत्र में इस आदेश के प्रकाशन की तारीख से पैंतीसीस दिन के भीतर, नियर्ति नियंत्रण परिषद्, 'वर्ल्ड ट्रेड सेटर' 14/1-थी, एजग स्ट्रीट (आठवीं पंजिल), कलकत्ता-1 को भेज सकता है ।

प्रस्ताव

(1) यह अधिसूचित करना कि इस्पात के तार की लड़ियों का नियर्ति से पूर्व क्वालिटी नियंत्रण और निरीक्षण किया जाएगा ।

(2) इस आदेश के उपांकंश 1 में दिए गए इस्पात के तार की लड़ियों का नियर्ति (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1978 के प्रारूप के अनुसार क्वालिटी नियंत्रण और निरीक्षण के प्रकार को क्वालिटी नियंत्रण और निरीक्षण के उस रूप में विनियिष्ट करना जो नियर्ति से पूर्व इस्पात की तार ही ऐसी लड़ियों को साझा किया जाएगा ।

(3) (क) सुसंगत भारतीय मानक विनिर्देशों को या विदेश के अन्य राष्ट्रीय मानक विनिर्देशों को :

(ख) अन्तर्राष्ट्रीय मानक संगठन, ए पी आई, अन्तर्राष्ट्रीय विद्युत आयोग तथा इसी तरह के राष्ट्रीय या अन्तर्राष्ट्रीय संगठनों द्वारा जारी किए गए विनिर्देशों को :

(ग) क्रेता तथा नियर्तिकर्ता के मध्य हुए करार के अनुमार सावधिक विनिर्देशों को :

—इस्पात के तार का लड़ियों के लिए मानक विनिर्देशों के रूप में मान्यता देना ।

परन्तु खण्ड (ग) में विनियिष्ट विनिर्देशों की दशा में उन विशेषताओं के स्थान पर, जिन पर नियर्ति संविदामें क्रेता तथा नियर्तिकर्ता द्वारा विनियिष्ट रूप से कोई सहमति नहीं हुई है, खंड (क) या खंड (ख) में विनियिष्ट विनिर्देशों को विशेषताएँ लागू होंगी ।

(4) अन्तर्राष्ट्रीय व्यापार के द्वारा ऐसे इस्पात के तार की लड़ियों के नियर्ति को तब तक प्रतिविवृद्ध करना जब तक उनके साथ नियर्ति (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 के अधीन स्थापित अधिकारों में से किसी के द्वारा जारी किया गया इस आवश्यक का प्रमाणपत्र न हो कि इस्पात की तार के स्ट्रैण्ड्स का परेशन क्वालिटी नियंत्रण और निरीक्षण से संबंधित घटाएँ को पूरा करता है तथा नियर्ति-योग्य है ।

3. इस आदेश की कोई भी आवंशीक लड़ियों को इस्पात के तार की लड़ियों के वास्तविक नमूनों के भूमि, समुद्र या वायु मार्ग द्वारा नियर्ति को लागू नहीं होगी ।

4. इस आदेश में 'इस्पात की तार की लड़ियों से अभिप्राय गोल या किसी भी आकार के लोहे या इस्पात की तारों की ऐसी संख्या से है जो एक या अधिक तरहों में विनियिष्ट रूप से छुटी के बारों और बलखाल हुए तथा विद्युत शक्ति परेशन लाइनों, ए सी एस आर चालक कोर, भूतारों, टेक्टारों, गाई तारों, संदेश बाहक तारों स्पास तारें जैसे प्रयोजनों के लिए प्रबलित कंक्रीट, सफेतन प्रयोजनों के लिए तथा ऐसे संबद्ध प्रयोजकों के बनाई गई होंगी ।

उपांकंश—I

नियर्ति (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 17 के अधीन बनाए जाने के लिए प्रस्तावित नियमों का प्रारूप ।

1. संक्षिप्त नाम तथा प्रारूप :—(1) इन नियमों का संक्षिप्त नाम इस्पात के तार की लड़ियों का नियर्ति (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1978 है ।

(2) ये को प्रवृत्त होंगे ।

2. परिभाषा:—इन नियमों में, जब तक कि संदर्भ से अन्यथा अपेक्षित न हो:—

(क) 'अधिनियम' में निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) अधिप्रेत है:

(ख) 'अभिकरण' से अधिनियम की धारा 7 के अधीन मुम्बई, कलकत्ता, कोचीन, दिल्ली और मद्रास में स्थापित अभिकरणों में से कोई एक अभिकरण अधिप्रेत है।

(ग) 'इस्पात के तार की लड़ियों' से अभिप्राय गोल या किसी भी आकार के लोहे या इस्पात की तारों की ऐसी संख्या से है जो एक या अधिक तहों में विनिर्दिष्ट ढंग से धुरी के चारों ओर बलात्ते हुए लिपटी हुई हो तथा विद्युत शक्ति परेषण लाइनों, ए सी आर आलक कोर, भूतारों, टेक्टारों, गाई तारों, मदेश बाहक तारों, स्पात तारों जैसे प्रयोजनों के लिए प्रबलित क्रंकीट, संकेतन प्रयोजनों के लिए तथा ऐसे संबद्ध प्रयोजनों के लिए बनाई गई है।

3. निरीक्षण का आधार—इस्पात की तार की लड़ियों का निरीक्षण निम्नलिखित रीति से यह सुनिश्चित करने के लिए किया जाएगा कि निर्यात के लिए आवश्यित ऐसी इस्पात की तार की लड़ियों अधिनियम की धारा 3 के अधीन मान्य मानक विनिर्देशों के अनुरूप हैं,

या जो

(क) यह सुनिश्चित करके कि उत्पाद, उपांच्छ-II में जैसा विनिर्दिष्ट है उसके अनुसार, उत्पादन के दौरान प्रावश्यक क्वालिटी नियंत्रण का प्रयोग करके विनिर्मित किया गया

है।

(ख) उपांच्छ 3 में विनिर्दिष्ट ढंग से किए गए निरीक्षण और परीक्षण के आधार पर जांच की जाएगी।

4. निरीक्षणकी प्रक्रिया:—(1) इस्पात के तार की लड़ियों के परेषण का नियात करने का इच्छुक नियंत्रिकर्ता अभिकरण को सविदात्मक विनिर्देशों के पूर्ण विवरण सहित लिखित रूप से एक सूचना देगा ताकि वह नियम 3 के अनुसार निरीक्षण कर सके।

(2) उपांच्छ 2 में अधिकारित उत्पादन के दौरान पर्याप्त क्वालिटी नियंत्रणों का प्रयोग करते हुए विनिर्मित इस्पात की तार की लड़ियों का नियात करने के लिए नियंत्रिकर्ता उपनियम (1) में वर्णित सूचना के साथ इस प्रावश्यक की एक घोषणा भी करेगा कि नियात के लिए आवश्यित इस्पात की तार की लड़ियों का परेषण उपांच्छ 2 में यथा अधिकारित पर्याप्त क्वालिटी नियंत्रणों का प्रयोग करके बनाया गया है तथा परेषण इस प्रयोजन के लिए मान्य मानक विनिर्देशों के अनुरूप है।

(3) ऐसी प्रत्येक सूचना या घोषणा या दोनों की एक प्रति उसी समय परिषद के निम्नलिखित कार्यालयों में से किसी एक कार्यालय को, जो निरीक्षण के स्थान से निकटतम है, भेजी जाएगी, अधारतः—

प्रधान कार्यालय निर्यात निरीक्षण परिषद,
वल्ड ट्रेड सेटर (आठवां मंजिल)
14/1-बी, इच्चरा स्ट्रीट,
कलकत्ता-70001.

क्षेत्रीय कार्यालय

निर्यात निरीक्षण परिषद,
अमन बैम्बर्स, 113, महांग कर्बे रोड
मुम्बई-400004.

निर्यात निरीक्षण परिषद,
मनोहर बिल्डिंग,
महात्मा रोड, एन्ऱकुलम,
कोचीन-682011.
निर्यात निरीक्षण परिषद,
सैक्टर 56/16 ए
मधुरा रोड,
फरीदाबाद-121002.

(4) नियंत्रिकर्ता अभिकरण को परेषण पर लगाया गया पहलान चिन्ह भी भेजेगा।

(5) उपनियम (1) के अधीन प्रत्येक सूचना तथा ऊर उपनियम (2) के अधीन घोषणा, यदि कोई हो, विनिर्माता के परिमार से परेषण के भेजे जाने के कम से कम दस दिन पहले अभिकरण तथा परिषद के कार्यालय में पहुंच जानी चाहिए।

(6) उपनियम (1) के अधीन सूचना तथा उपनियम (2) के अधीन घोषणा, यदि कोई हो, के प्राप्त होने पर, अभिकरण:—

(क) अपना यह समाधान कर लेने पर कि विनिर्माण की प्रक्रिया के दौरान विनिर्माता के उपांच्छ 2 में अधिकारित पर्याप्त क्वालिटी नियंत्रण का प्रयोग किया है तथा इस प्रयोजन के लिए मान्य मानक विनिर्देशों के अनुसार उत्पाद के विनिर्माण के संबंध में परिषद द्वारा जारी किए गए अनुदेशों, यदि, कोई हो, का पालन किया है, यह घोषणा करते हुए सात दिन के भीतर प्रमाणपत्र जारी करेगा कि इस्पात की तार की लड़ियों का परेषण निर्यात योग्य है। जहाँ विनिर्माता नियंत्रिकर्ता नहीं है वहाँ परेषण का वास्तविक परीक्षण किया जाएगा तथा ऐसी जांच तथा निरीक्षण जो प्रावश्यक हो अभिकरण द्वारा यह सुनिश्चित करने के लिए किया जाएगा कि उपरोक्त शर्तों का पालन किया गया है।

(ख) ऐसी दशा में जहाँ नियंत्रिकर्ता ने उपनियम (2) के अधीन यह घोषणा नहीं की है कि उपांच्छ 2 में अधिकारित पर्याप्त क्वालिटी नियंत्रणों का प्रयोग किया गया है, अपना यह समाधान कर लेने पर कि इस्पात की तार की लड़ियों इस प्रयोजन के लिए मान्य विनिर्देशों के अनुरूप हैं जैसा उपांच्छ 3 में विया गया है उस के अनुसार किए गए निरीक्षण या परीक्षण के प्रावश्यक पर या दोनों के आधार पर ऐसे निरीक्षण करने के सात दिनों के भीतर यह घोषणा करते हुए प्रमाण-पत्र जारी करेगा कि इस्पात की तार की लड़ियों निर्यात योग्य है :

परन्तु जहाँ अभिकरण का इस प्रकार समाधान नहीं होता वहाँ वह उक्त सात दिनों की अवधि के भीतर नियंत्रिकर्ता को यह घोषणा करते हुए प्रमाण-पत्र जारी करने से इंकार कर देगा कि इस्पात की तार की लड़ियों का परेषण निर्यात योग्य है तथा नियंत्रिकर्ता को ऐसे इंकार की सूचना उसके कारणों सहित देगा।

(7) जहाँ विनिर्माता नियंत्रिकर्ता नहीं है प्रथम परेषण निरीक्षण उपनियम (6) (ख) के प्रधीन किया गया है प्रथम दोनों दशाओं में अभिकरण, निरीक्षण की समाप्ति पर सुरक्षा ही देंकेजों को यह सुनिश्चित करने के लिए इस ढंग से सील बढ़ करेगा कि सीलबंद देंकेजों के साथ लेड-थाइ न की जा सके। परेषण की प्रस्तोक्ति की दशा में यदि नियंत्रिकर्ता जाहे तो परेषण की अधिकरण द्वारा सील

बंद नहीं किया जाएगा परन्तु ऐसी विधानों में निर्वाचन-कर्ता प्रधीनति के विशेष काई भाँति करने का अधिकारी नहीं होगा।

5 निरीक्षण का स्थान—इन विधानों के प्रधीन निरीक्षण केवल विनिर्माण के परिसर में ही किया जाएगा।

6 निरीक्षण शुल्क—इन विधानों के अधीन 100 रुपये की न्यूनतम की सीमा में रहते हुए, पोन पर्याप्त निशुल्क मूल्य के 2.5 प्रतिशत की दर से फीम निर्वाचन-कर्ता द्वारा अधिकारण को निरीक्षण फीस के रूप में दी जाएगी।

7 भ्रष्टाचार—नियम 4 के उपनियम (6) के प्रधीन अधिकारण द्वारा प्रमाण-पत्र देने से इकार करने से व्यक्ति कोई व्यक्ति उसके द्वारा इकार की सूचना प्राप्त होने के दस दिन के भीतर केन्द्रीय सरकार द्वारा प्रयोजन के लिए नियुक्त कम से कम तीन और अधिक से अधिक मात्र विविधतों के विशेषज्ञों के दैनन्दिन को अधीन कर नहीं कर सकेगा।

(2) पैनल में, कृत सदस्यता के कम से कम दो तिहाई सदस्य गैर-सरकारी होंगे।

(3) पैनल की गणना तीन की होगी।

(4) अधीन पैनल द्वारा इसके प्राप्त होने के पश्चात् विन के भीतर निपटा दी जाएगी।

उपायन्ध-2

(नियम 3(क) के अन्तर्गत देखें)

प्रालिंगी नियंत्रण

(1) इस्पात की तार को लड़ियों की बतानियों, इससे उपायंध अनुसूची में विए गए नियंत्रण के स्तरों महित, नीचे दी गई विनिर्माण के विभिन्न प्रक्रमों पर विभिन्न नियंत्रणों का प्रयोग करके नीचे सुनिश्चित की जाएगी।

(i) खरीदी गई सामग्री तथा घटकों का नियंत्रण

(क) प्रयुक्त किए जाने वाले सामान और घटकों के गुणधर्मों और सहायताओं महित उनकी विस्तृत विभागों को समाविष्ट करने हुए, क्रम विनिर्देश, विनिर्माण द्वारा निर्धारित किए जाएंगे।

(ख) स्वीकृत परेषणों के साथ या तो क्रम विनिर्देशों की अवधारणों की पुष्टि करने हुए उत्पादन का परीक्षण प्रमाण-पत्र होगा या ऐसे परीक्षण प्रमाण-पत्र के न होने पर क्रम विनिर्देशों से उनकी अनुष्ठान की जाव दरते के लिए प्रयोक्त परेषण से नमूनों का परीक्षण नियमित रूप से किया जाएगा।

अनुसूची

(उपायंध 2 का पैरा (1) देखें)

कम से ० परीक्षण/निरीक्षण की विशेषताएं	अपेक्षाएं	जांच किए जाने वाले नमूनों की संख्या	लॉट आकार	टिप्पणी	
1	2	3	4	5	6
1. सामग्री मनकर और फासफोरस के अंतर्गत	मानक विनिर्देश के अनुसार	1	प्रयोक्त उष्णता अथवा कुण्डली जहां रसायनिक मिश्रण उत्पादक के परीक्षण प्रमाण-पत्र के द्वारा पुष्ट हों, वहां पांच उष्णता अथवा कुण्डलों के गुट में से एक नमूने की परीक्षा की जाएगी।		
60 GI/78-2					

1	2	3	4	5	6
2.	बटने से पहले				
	प्रत्यक्ष तार				
(क)	आकार	—वही—	1	प्रत्येक कुण्डली	
(ख)	तनन सामर्थ्य	—वही—	1	—वही—	
(ग)	टारण	—वही—	1	—वही—	
(घ)	स्पेना	—वही—	1	—वही—	
(ङ)	जस्ता कोटिंग की एक रूपरा	—वही—	1	प्रत्येक दो बटे में एक ही आकार को उत्पादन	
(च)	जस्ता कोटिंग का भार	—वही—	1	प्रत्येक कुण्डली	
(छ)	नुटिंग से मुक्त	—वही—		श्रमिकों विशेषज्ञ अन्वेषणों पर आधारित पर्याप्त संझा	
(ज)	कोई अन्य परख	—वही—		—वही—	
3.	पूर्ण लडिया				
(क)	आकार	—वही—	1	प्रत्येक रोल	
(ख)	बल की विशा	—वही—	1	—वही—	
(ग)	बल की लम्बाई	—वही—	1	—वही—	
(घ)	बोयो से मुक्ति	—वही—	1	—वही—	
(ङ)	पूर्व आकार	—वही—	1	—वही—	
(च)	टूटन सामर्थ्य	—वही—	1	प्रत्येक उत्पादन की लम्बाई	
(छ)	उत्पादन सामर्थ्य बल	—वही—	1	—वही—	
(ज)	लडी का भार	—वही—	1	—वही—	
(झ)	कोई अन्य परख	—वही—	1	—वही—	
4.	मममन बटा से प्रत्यक्ष तार				
(क)	तनन सामर्थ्य	—वही—	3	प्रत्येक उत्पादन की लम्बाई	यदि एक या अधिक तार जाँच में केवल हो जाए तो तीन और तारों की जाँच को जाएगी और उत्पादन को लम्बाई केवल तब स्वीकार की जाएगी जब उन जाँच में कोई कमी न हो।
(ख)	टारण जांच	—वही—	3	—वही—	

उपार्जन 3

[नियम 3 (च) देखें]

परेशानातुरसार निरीक्षण ---

(1) इम्पान के तार की नडियों का परेशण निरीक्षण नथा पुनरीक्षण उसे लागू मानक विनिर्देशों से इसकी अनुरूपता सुनिश्चित करने के लिए किया जायगा।

(2) ऐसे निरीक्षण के प्रयोजनों के लिए, विदेशी फ्रेता तथा नियर्वात-कर्ता के मध्य हुई सहमति के अनुमार, सावित्रिक विनिर्देश निरीक्षण का प्राक्षार होगे।

सावित्रिक विनिर्देश में जो विशेषताएं विनिर्दिष्ट रूप से नहीं दी गई हैं उन विशेषताओं के लिए निरीक्षण का प्राक्षार प्रत्यरोक्तीय संगठनों जैसे आई एस ओ, आई ई एम, ए पी प्राई तथा इसी प्रकार की संगठनों द्वारा जारी किए गए भारतीय या अन्य राष्ट्रीय मानकों या विनिर्देशों में दी गई विशेषताएं होंगी।

(3) नमूने तथा अनुरूपता के मापदण्ड के संबंध में सावित्रिक विनिर्देशों में विशिष्ट विशेषताओं के न होने की दशा में वे विशेषताएं लागू होंगी जो सारणी 1 तथा 2 में दी गई हैं।

सारणी-1

प्रत्येक आकार प्रकार संचालन की इस्पात को तार की संहियों की मात्रा

(1)
1500 मीटर तक
1500 मीटर से अधिक तथा 9000 मीटर तक
9000 मीटर से अधिक तथा 45,000 मीटर तक
45,000 मीटर से अधिक

जो आने वाली संहियों के नमूनों की संख्या

(2)
2
4
6
8

सारणी-2

क्र० स०

विवेचना

परीक्षण किए जाने वाले नमूनों की स०

दोषों की घनत्वम्
स०

(1)	(2)	(3)	(4)
1. पूर्ण लड़ी			
(क) आकार			
(ख) बल की वशा			
(ग) बल की सम्मानी			
(घ) दोषों से मुक्ति			
(क्ष) बनावट			
(द्ध) संधी का भार			
(छ) टूटने वज्रबुर्ती			
(ज) सामर्थ्य तथा वार्षिकीय			
(झ) कोई अन्य परक			

सारणी 1 के अनुसार

शून्य

सारणी 1 के अनुसार लिए नमूनों की स० का आदा

शून्य

2. संहियों में से भवन भलग तार

- (क) तनत परवा
- (ख) दार्शन परवा

(क) सारणी 1 के अनुसार ली गई संहियों में के सभी तार सिवाय उनके जो सात तार की लड़ी तक बनाने के लिए पूर्ण लड़ी को परीक्षण करने के लिए।

शून्य

(ख) सारणी 1 के अनुसार ली गई संहियों में से तारों की आवृत्ति संभव जिसका यह तत्त्व चयन किया गया हो, सिवाय उनके जो अन्य नियमित के लिए पूरी लड़ी का परीक्षण करने के लिए हो।

शून्य

[स० 6(20)/71 निं. नथा निं. ड०]

सी० नी० कुकरती, सम्मुक्त निदेशक

ORDER

S.O. 1213.—Whereas the Central Government is of opinion that in exercise of the powers conferred by section 6 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), it is necessary and expedient to subject Steel Wire Strands to quality control and inspection prior to their export, for the sound development of export trade of India;

And whereas the Central Government has formulated certain proposals specified below for the said purpose and has forwarded the same to the Export Inspection Council as required by sub-rule (2) of rule 4 of the Export (Quality Control and Inspection) Rules, 1964;

Now, therefore, in pursuance of the said sub-rule the Central Government hereby publishes the said proposals for information of the public likely to be affected thereby.

2. Notices is hereby given that any person desiring to forward any objection or suggestion with respect to the said proposals may forward the same within fortyfive days from the date of publication of this Order in the Official Gazette to the Export Inspection Council, "World Trade Centre", 14/1B, Ezra Street (7th Floor), Calcutta-1.

PROPOSALS

(1) To notify that Steel Wire Strands shall be subject to quality control and inspection prior to export;

(2) To specify the type of quality control and inspection in accordance with the draft Steel Wire Strands (Quality Control and Inspection) Rules, 1978 set out in Annexure I to this Order, as the type of quality control and inspection which would be applied to such Steel Wire Strands prior to export;

(3) To recognise—

(a) the relevant Indian Standard Specifications or other national standard specifications of a foreign country;

(b) the specifications issued by national or international Organizations like ISO, API IEC, and the like,

(c) the contractual specifications as agreed upon between the buyer and the exporter ;
as the standard specifications for Steel Wire Strands :

Provided that in case of the specification specified in clause (c) for the characteristics not specifically agreed upon in the export contract by the buyer and the exporter, the same as specified in the specifications mentioned in clause (a) or clause (b) would be applicable.

(4) To prohibit the export in the course of international trade of such Steel Wire Strands unless the same are accompanied by a certificate issued by any one of the agencies established under section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 or 1963) to the effect that the consignment of Steel Wire Strands satisfy the conditions relating to quality control and inspection and is exportworthy.

3. Nothing in this Order shall apply to the export by land, sea or air of bona fide samples of Steel Wire Strands to prospective buyers.

4. In this Order, "Steel Wire Strands" shall mean a number of round or shaped iron or steel wires helically laid about an axis in one or more layers in a specified manner and meant for applications such as electric power transmission lines, ACSR conductor cores, earthwires, stay wires, guy wires, messenger wires, span wires, prestressed concrete, signalling purposes and such allied uses.

ANNEXURE I

Draft rules proposed to be made under section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963).

1. Short title and commencement.

(1) These rules may be called the Export of Steel Wire Strands (Quality Control and Inspection) Rules, 1978.

(2) They shall come into force.....
2. Definitions.

In these rules, unless the context otherwise requires :—

(a) "Act" means the Export (Quality Control and Inspection) Act, 1963 (22 of 1963) ;

(b) "agency"—means any of the agencies established at Bombay, Calcutta, Cochin, Delhi and Madras under section 7 of the Act ;

(c) "Steel Wire Strands"—means a number of round or shaped iron or steel wires helically laid about an axis in one or more layers in a specified manner and meant for applications such as electric power transmission lines, ACSR conductor cores, earthwires, stay wires, guy wires, messenger wires, span wires, prestressed concrete, signalling purposes and such allied uses.

3. Basis of inspection

The inspection of Steel Wire Strands shall be carried out with a view to ensuring that such Steel Wire Strands intended for export conform to the standard specifications recognized under section 6 of the Act,

EITHER

(a) by ensuring that the products have been manufactured by exercising necessary in-process quality control as specified in Annexure II.

OR

(b) on the basis of inspection and testing carried out in the manner specified in Annexure III.

4. Procedure of inspection

(1) An exporter intending to export a consignment of Steel Wire Strands shall give an intimation in writing to the

agency furnishing therein details of the contractual specifications to enable the agency to carry out inspection in accordance with rule 3.

(2) For export of Steel Wire Strands manufactured by exercising adequate in-process quality control as laid down Annexure-II, the exporter, shall also submit along with the intimation mentioned in sub-rule (1), a declaration that the consignment of Steel Wires Stands intended for export has been manufactured by exercising adequate quality control as laid down in Annexure II and that the consignment conforms to the standard specifications recognized for the purpose.

(3) A copy of every such intimation or declaration or both shall also be simultaneously endorsed to any of the following offices of the Council, which is nearest to the place of inspection namely :—

Head Office : Export Inspection Council, World Trade Centre (7th floor), 14/IB, Ezra Street, Calcutta-700001.

Regional Offices : Export Inspection Council,

Aman Chambers,
113, M. Karve Road,
Bombay—400004.
Export Inspection Council,
Manohar Buildings,
Mahatma Gandhi Road,
Ernakulam,
Cochin-682011.
Export Inspection Council,
Sector 56/16A,
Mathura Road,
Faridabad-121002.

(4) The exporter shall also furnish to the agency the identification marks applied on the consignment.

(5) Every intimation under sub-rule (1) declaration, if any, under sub-rule (2) above shall reach the office of the agency and the Council not less than ten days prior to the despatch of the consignment from the manufacturers premises.

(6) On receipt of the intimation under sub-rule (1) and the declaration, if any, under sub-rule (2), the Agency —

(a) on satisfying itself that during the process of manufacture, the manufacturer had exercised adequate quality control as laid down in Annexure-II and followed the instruction, if any, issued by the Council in this regard to manufacture the product to conform to the standard specifications recognized for the purpose shall within seven days issue a certificate declaring the consignment of Steel Wire Strands as export worthy. In cases where the manufacturer is not the exporter, however, the consignment shall be physically verified and such verification and inspection as necessary shall be carried out by the Agency to ensure that the above conditions are complied with.

(b) in cases where the exporter has not declared under sub-rule (2) that adequate quality control as laid down in Annexure-II had been exercised, on satisfying itself that the consignment of Steel Wire Strands conforms to the standard specification recognized for the purpose, on the basis for inspection testing carried out as laid down in Annexure-III, or on the basis of both, shall, within seven days of carrying out such inspection, issue a certificate declaring the consignment of Steel Wire as export-worthy :

Provided that where the agency is not so satisfied, it shall within the said period of seven days refuse to issue a certificate to the exporter declaring the consignment of Steel Wire Strands as exportworthy and communicate such refusal to the exporter along with the reasons therefor.

(7) In cases where the manufacturer is not the exporter or the consignment is inspected under sub-rule (6) (b), or in both the basis the agency shall, immediately after completion of the inspection, seal the packages in the consignment in a manner as to ensure that the sealed packages can not be tampered with. In case of rejection of the consignment if the exporter so desires, the consignment may not be sealed by the Agency, but in such cases, however, the exporter shall not be entitled to prefer any appeal against the rejection.

Place of Inspection :

Inspection under these rules shall be carried out at the premises of the manufacturer only.

Inspection fee

A fee @ 2.5 per cent of the F.O.B. value subject to a minimum of Rupees One hundred shall be paid by the exporter to the agency as inspection fee under these rules.

7. Appeal

Any person aggrieved by the refusal of the agency to issue a certificate under sub-rule (6) of rule 4 may within ten days of the receipt of a communication of such refusal by him, prefer an appeal to a panel of experts, consisting of not less than but not more than seven such experts, appointed by the Central Government for the purpose.

(2) The panel shall consist of at least two-thirds of non-officials of the total membership.

(3) The quorum for the panel shall be three.

(4) The appeal shall be disposed of within fifteen days of its receipt by the panel.

ANNEXURE 11

[See under rule 3 (u)]

Quality Control

(1) The quality of the Steel Wire Strands shall be ensured by exercising various control at different stages of manufacture as laid down below, together with the levels of control as set out in the Schedule appended hereto.

(i) Bought out materials and components control :

(a) Purchase specifications shall be laid down by the manufacturer incorporating the properties of materials and components to be used and the detailed dimensions thereof with tolerances.

(b) The accepted consignments shall either be accompanied by a producer's test certificate corroborating the requirement of the purchase specifications or in the absence of such test certificates, samples from

each consignment shall be regularly tested to check up its conformity to the purchase specifications.

The producer's test certificates shall be counter-checked at least once in five consignments to verify the correctness.

(c) The incoming consignments shall be inspected and tested for ensuring conformity to purchase specifications against suitable sampling plans.

(d) After the inspection and tests are carried out, systematic methods shall be adopted for proper segregation and disposal of defectives.

(ii) Process control :

(a) Detailed process specifications shall be laid down by the manufacturers for various processes of manufacture.

(b) Equipment or instrumentation facilities shall be adequate to control the processes as specifications.

(c) Adequate records shall be maintained to enable the verification of the controls exercised during the process of manufacture.

(iii) Product control :

(a) The manufacturer shall have adequate testing facilities to test the product as per the specification recognised under section 6 of the Act.

(b) Adequate records in respect of tests carried out shall be regularly and systematically maintained.

(iv) Meteorological control :

Gauges and instruments used in the production and inspection shall be periodically checked or calibrated and records shall be maintained in the form of history cards.

(v) Preservation control :

(a) The manufacturer shall comply with relevant provisions, if any of the standard specifications.

(b) If nothing is provided for in the standard specifications, the products shall be well preserved against adverse effects of weather conditions during storage and transit.

(vi) Packing control :

(a) Packing shall be in line with buyer's stipulation or as per normal trade practice.

(b) The reels or coils shall be suitably protected to avoid damage in transit.

SCHEDULE

[See paragraph (1) of Annexure II]

Serial Number	Test/Inspection characteristic	Requirements	Number of samples to be tested	Lot size	Remarks
1	2	3	4	5	6
1					

1. Material :

Sulphur and Phosphorous As per Standard specification contents.

1 Each and every heat or cast Wherever the chemical composition is supported by producer's test certificate, one sample from 5 heat or casts of the coils may be tested.

1	2	3	4	5	6
2. Individual Wires before standing :					
(a) Size	As per Standard specification	1	Each coil		
(b) Tensile Strength	-do-	1	-do-		
(c) Torsion	-do-	1	-do-		
(d) Wrapping	-do-	1	-do-		
(e) Uniformity of zinc coating.	-do-	1	Every two hours production of one size.		
(f) Weight of zinc coating	-do-	1	Each coil		
(g) Freedom from defects	-do-		Adequate number based on recorded investigation.		
(h) Any other test	-do-		-do-		
3. Completed strand :					
(a) Size	-do-	1	Each roll		
(b) Director of lay	-do-	1	-do-		
(c) Lay length	-do-	1	-do-		
(d) Freedom from defects	-do-	1	-do-		
(e) Preforming	-do-	1	-do-		
(f) Breaking strength	-do-	1	Each production length		
(g) Yield strength	-do-	1	-do-		
(h) Weight of strand	-do-	1	-do-		
(j) Any other test	-do-		Adequate number based on recorded investigation.		
4. Individual wires from finished strand :					
(a) Tensile strength	-do-	3	Each production length	If one or more wires fail in testing, three more wires shall be tested and production length accepted only when there is no failure in re-testing.	
(b) Torsion test	-do-	3			

ANNEXURE III

[(See Rule 3 (b)]]

Consignment-wise Inspection :

(1) The consignment of Steel Wire Strands shall be subjected to inspection and testing to ensure conformity of the same to the standard specification applicable to it.

(2) For the purposes of such inspection, the contractual specification as agreed upon between the foreign buyer and the exporter shall form the basis of inspection.

For the characteristics not specifically stipulated in the contractual specification the same as given in the Indian or other National Standards or specifications issued by International Organizations like ISO, IEC, API and the like, shall form the basis of inspection.

(3) In the absence of specific stipulation in the contractual specifications as regards sampling and criteria for conformity; the same laid down in Tables I and II appended hereto shall become applicable.

TABLE I

Quantity of Steel Wire Strand of each type, size and grade	Number of samples of Strand to be drawn
(1)	(2)
Upto 1500 metres	2
Over 1500 metres and upto 9000 metres	4
Over 9000 metres and upto 45,000 metres	6
Over 45,000 metres	8

TABLE II

Serial Number	Characteristic	Number of samples to be tested	Permissible number of defectives
(1)	(2)	(3)	(4)
1. Complete Strand :			
(a) Size			
(b) Direction of lay			
(c) Lay length		As per Table I	Nil
(d) Freedom from defects			
(e) Preforming			
(f) Weight of strand			
(g) Breaking strength		Half the number of samples drawn as per Table I	Nil
(h) Yield strength and Elongation			
(i) Any other test			
2. Individual wires from strands :			
(a) Tensile test		(a) All the wires in the strands drawn as per Table I	Nil
(b) Tortion test		except those for testing complete strand for construction upto 7 wire strand.	
		(b) Half the number of wires chosen at random from the strands drawn as per Table I except those for testing complete strands for other construction.	Nil

[No. 6(20)/71-EI & EP]

C. B. KUKRETI, Joint Director

मूल्य नियंत्रण, आयात-निर्यात का कार्यालय

आवेदन

नई विस्तीर्ण, 7 अप्रैल, 1978

का० आ० 1214.—भारतीय राज्य व्यापार नियम लि०, नई विस्तीर्ण को आई.सी.ए. क्रेडिट के भ्रत्यर्थत मेटाक्रिस्टोल का प्रायात करने के लिए 35,520.00 रुपए मूल्य का एक प्रायात लाइसेंस सं० पी/डी/1404360 दिनांक 9-10-74 और सर्वश्री हिन्दुस्तान फिरोड़ी लि० घाटकोपर बम्बई-400086 के नाम में प्राप्तिकार पत्र प्रदान किया गया था।

2 मर्वश्री हिन्दुस्तान फिरोड़ी लि० घम्बई के उपर्युक्त लाइसेंस की अनुमिति सीमा शुल्क प्रयोजन प्रति जारी करने के लिए इस आधार पर

आवेदन किया है कि मूल सीमा शुल्क प्रयोजन प्रति सीमा शुल्क प्राधिकारी द्वारा कोई भी प्रतिविटि किए जिन ही ओं गई या प्रस्थानस्थ हो गई है। प्राधिकारी पत्र आरक्ष सर्वश्री फिरोड़ी लि० द्वारा आगे यह भी सुनित किया गया है कि लाइसेंस उपयोग किए जिन ही प्रस्थानस्थ हो गया है।

3 अपने तर्क के समर्थन में, आवेदक ने एक शपथ पत्र दाखिल किया है। अधोहस्ताकारी मन्तुष्ट है कि ला० स० पी/डी/1404360 दिनांक 9-10-74 की मूल सीमा शुल्क प्रयोजन प्रति जो गई या प्रस्थानस्थ हो गई है और इस शपथ दिलाये है कि आवेदक को उपर्युक्त ला० की अनुमिति सीमा शुल्क प्रयोजन प्रति जारी की जानी चाहिए। मूल सीमा शुल्क प्रयोजन प्रति एकद्वारा रद्द की जाती है।

4. उपर्युक्त लां० की अनुलिपि सीमा शुल्क प्रयोजन प्रति भ्रलग से जारी की जा रही है।

[सं० आट०/एच-२(२) प.एम-७४/प्रार.एम ४/४४७]

Office of the Chief Controller of Imports & Exports

ORDER

New Delhi, the 7th April, 1978

S.O. 1214.—The State Trading Corporation of India Ltd., New Delhi were granted an import Licence No. P/D/1404360 dated 9-10-1974 and Letter of Authority in favour of M/s. Hindustan Ferodo Ltd., Ghatkopar, Bombay-400086 for the import of Metacresol valued Rs. 35,520 under I.D.A. credit.

2. M/s. Hindustan Ferodo Ltd., Bombay have requested for the issue of duplicate Customs Purposes Copy of the above said licence on the ground that the original customs purposes copy has been lost or misplaced without any entry by the Customs Authority. It has further been reported by the licensee M/s. Hindustan Ferodo Ltd. that the licence has been misplaced without utilisation.

3. In support of their contention, the applicant have filed an affidavit. The undersigned is satisfied that the Original Customs Purposes Copy of Import Licence No. P/D/1404360 dated 9-10-1974 has been lost or misplaced and hence directs that a duplicate Customs Purposes Copy of the said licence should be issued to the applicant. The original Customs Purposes Copy is hereby cancelled.

4. The Duplicate Customs Purposes Copy of the said licence is being issued separately.

[File No Auto/H-2(2)AM 74/RM IV/447]

आदेश

नई दिल्ली, 17 अप्रैल, 1978

का०आ० 1215.—सर्वेश्वी दि टेस्टी टेज, नई दिल्ली को अ०मा० ७८ के दौरान सामान्य मुद्रा भेज से विशिष्ट जरूरत की वस्तुओं के आयात के लिए ३२,०९२ रु का आयात लाइसेंस स० पी/ए/१४१५१८१ दिनांक ३०-१-७६ प्रदान किया गया था।

2. कर्म ने मुद्रा विनियम नियंत्रण प्रति की अनुलिपि प्रति के लिए इस तथ्य पर आवेदन किया है कि मूल प्रति खो गई/अस्थानस्थ हो गई है। लाइसेंसधारी ने आगे यह सूचना दी है कि उक्त लाइसेंस पर ७,०९२ रु की घनराशि गोष्ठी है जिसके लिए अनुलिपि प्रति की आवश्यकता है। लाइसेंस सीमा शुल्क कार्यालय, बम्बई में पंजीकृत करवाया गया था।

3. अपने दावे के समर्थन में कर्म ने एक शायद-पत्र दाखिल किया है और अधोहस्ताक्षरी इस बात से संतुष्ट है कि मूल विनियम नियंत्रण प्रति खो गई/अस्थानस्थ हो गई है और नियंत्रण देते हैं कि आवेदक को मुद्रा विनियम नियंत्रण प्रति की अनुलिपि प्रति जारी की जानी चाहिए। मूल मुद्रा विनियम नियंत्रण प्रति एतद्वारा रद्द की जाती है।

4. मुद्रा विनियम नियंत्रण प्रति भ्रलग से जारी का जा रही है।

[सं० ३०३-४/टी-४/७५-७६/८८ पी/एस/प्रार.एम-२२/२]

आर०पी० वम्, उप-मूल्य नियंत्रण
कृते मूल्य नियंत्रण

ORDER

New Delhi, the 17th April, 1978

S.O. 1215.—M/s. The Daily Tej, New Delhi, were granted import licence No. P/A/1415184 dated 30-1-1976 under G.C.A. for Rs. 32,092/- only for import of Specialised Requirements during the period AM '76.

2. The firm have now requested for issue of a duplicate copy of the licence for exchange control purposes the original of which is stated to have been misplaced/lost by them. It has further been reported by the licensee that there is a balance of Rs. 7,092/- only to cover for which the duplicate copy is required. The licence was registered with the Bombay Customs House.

3. In support of their contention the firm have submitted an affidavit and the undersigned is satisfied that the original Exchange Control Copy is misplaced/lost and directs that a duplicate Exchange Control Copy should be issued to the applicant. The original Exchange Control Copy of the licence is hereby cancelled.

4. The duplicate Exchange Control Copy is being issued separately.

[No. 303-IV/T4/75-76/NPS/RM-II 22]

R. P. BASU, Dy. Chief Controller
for Chief Controller,

आदेश

नई दिल्ली, 13 अप्रैल, 1978

का०आ० 1216.—सर्वेश्वी हिन्दुस्तान थर्मोस्टेटिक्स, अम्बाला कैन्ट को इसी से नियंत्रित मर्वों का आयात करने के लिए २,८७,७१० रुपए का एक आयात लां० सं० पी/सी जी/२०७०९११/एस/आई एम/६। ४-१-२२, दिनांक ११-११-१९७६ प्रदान किया गया था :—

1. बन पौम लाइस कॉर्टिंग मर्शीन।

2. द्रूज, शीशियाँ, परीभ्रंश द्रूज और सीमे की टेमी ही वस्तुओं का नियंत्रण करने के लिए उपर्युक्त स्वचालित मर्शीन।

3. एम्बोवल्स और शीशीओं के लिए स्वचालित मिलक स्क्रीन प्रिण्टिंग मर्शीन।

कर्म के ३-१-७७ के आवेदन पर लाइसेंस का लागत-सीमा-भारा मूल्य ३,३०,८६७.०० रुपए तक बढ़ा दिया गया था। सर्वेश्वी हिन्दुस्तान थर्मोस्टेटिक्स, अम्बाला छावनी ने उपर्युक्त आयात लाइसेंस की अनुलिपि सीमा शुल्क प्रयोजन प्रति के लिए हम आधार पर आवेदन किया है कि लाइसेंस की मूल सीमा शुल्क प्रयोजन प्रति अस्थानस्थ हो गई है। आगे यह भी पुष्ट की गई है कि लाइसेंस न तो किसी सीमा शुल्क प्रबंधिकारी के पास पंजीकृत करवाया गया है और न ही उम्मेद की मूल्य को लेश मात्र भी उपयोग में लाया गया है। अब अनुलिपि सीमा शुल्क प्रयोजन प्रति की आवश्यकता लाइसेंस के पूरे मूल्य अर्थात् ३,३०,८६७.०० रुपए के लिए है।

2. इस तर्क के समर्थन में आवेदन ने गणय अधिकारी, नई दिल्ली के मामते विधिवत शपथ लेकर एक शपथ पत्र दाखिल किया है। मैं सत्य हूं कि लाइसेंस की मूल सीमा शुल्क प्रयोजन प्रति अस्थानस्थ हो गई है। इसलिए, यथा संशोधित आयात (नियंत्रण) आदेश, 1955 दिनांक 7-12-1955 की उपधारा ९ (सी सी) के अन्तर्गत प्रदत्त अधिकारों का प्रयोग करते हुए सर्वेश्वी हिन्दुस्तान थर्मोस्टेटिक्स, अम्बाला छावनी को जारी किए गए नां० सं० पी/सी जी/२०७०९११ दिनांक 11-11-1976 की उपर्युक्त मूल सीमा शुल्क प्रयोजन प्रति एतद्वारा रद्द की जाती है।

3. मैं आगे आदेश देता हूं कि उक्त आयात लाइसेंस की अनुलिपि सीमा शुल्क प्रयोजन प्रति भ्रलग से जारी की जाए।

[सं० सी० जी०-४/२१८७/७५/२२]

टी० टी० सा, उप-मूल्य नियंत्रण

ORDER

New Delhi, the 13th April, 1978

S.O. 1216.—M/s. Hindustan Thermostatics, Ambala Cantt, were granted an import licence No. P/CG/2070911/S/IN/61/41-42 dated 11-11-1976 for Rs. 2,87,710 for the import of the following items from Italy :—

- (1) One piece glass cutting machine.
- (2) Automatic Machine suitable for making tube, vials, test tubes and similars from the glass.
- (3) Automatic Silk Screen Printing Machine for Ampoules and vials.

The C.I.F. value of the licence was enhanced to Rs. 3,30,867 as requested by the firm on 3-1-1977. M/s. Hindustan Thermostatics, Ambala Cantt have applied for the issue of duplicate Customs Purposes Copy of the said import licence on the ground that the original Custom Copy of the licence has been misplaced. It has been further affirmed that the licence had not been registered with any Custom Authority nor the value thereof had been utilised at all. The duplicate Customs Purposes copy now required is for the full value of the licence i.e. Rs. 3,30,867.

2. In support of this contention, the applicant has filed an affidavit duly sworn in before the Oath Commissioner, New Delhi. I am satisfied that the original Customs Purposes Copy of the licence has been misplaced. Therefore, in exer-

cise of the powers conferred under sub-clause 9(cc) of the Import (Control Order, 1955 dated 7-12-1955 as amended, the said original Custom Purpose Copy of the licence No. P/CG/2070911 dated 11-11-1976 issued to M/s. Hindustan thermostatics Ambala Cantt is hereby cancelled.

3. I further order that a duplicate Customs Purposes Copy of the said licence may be issued separately.

[No. CG.IV/2187/75/22]

T. T. LA, Dy. Chief Controller

MINISTRY OF INDUSTRY

(Department of Industrial Development)

CORRIGENDUM

New Delhi, the 15th April, 1978

S.O. 1217.—In the Order No. S.O. 77(E), dated the 7th February, 1978 of the Government of India in the Ministry of Industry (Department of Industrial Development) published in the Gazette of India, Extraordinary, dated the 7th February, 1978 Part-II Section 3, Sub-Section (ii) pages 166-167, in the fifth line, for the word "cess", the word "cess" may be substituted.

[F. No. 21/2/78-Jutel]

N. S. VAIDYANATHAN, Jt. Secy.

भारतीय मानक संस्था

नई दिल्ली, 1978-04-06

क्रा. १२१८.—समय पर संशोधित भारतीय मानक संस्था (प्रमाणन विभाग) विनियम 1955 के विनियम 14 के संपर्कियम (4) के अनुसार भारतीय मानक संस्था द्वारा प्रधिसूचित किया जाता है कि लाइसेंस संघर्षा सीएम/एल-5377 जिसके बारे में प्राप्ति में विए गए हैं, लाइसेंस घारी की शब्दन होने के कारण 1978-01-25 से रद्द कर दिया गया है।

अनुसूची

क्रम लाइसेंस संघर्षा और तिथि	लाइसेंसघारी का नाम और पता	रद्द किए गए लाइसेंस के प्रधीन वस्तु/प्रक्रिया	तस्वीरी भारतीय मानक संघर्षा	
(1)	(2)	(3)	(4)	(5)
1. सीएम/एल-5377 1976-07-21	मैटर्स जेम्स हटन एण्ड कॉ. 37/803 पावर हाउस रोड कोलतार के खाल रंगों की निर्मितियाँ और IS : 5346-1975 कोलतार खाल रंगों की निर्मितियाँ और मिश्रणों की विनियम	कोलतार के खाल रंगों की निर्मितियाँ और IS : 5346-1975 कोलतार खाल रंगों की निर्मितियाँ और मिश्रणों की विनियम		

[संघर्षा सी एम बी/55 : 5377]

INDIAN STANDARD INSTITUTION

New Delhi, 1978-04-06

S.O. 1218.—In pursuance of sub-regulation (4) of regulation 14 of the Indian Standards Institution (Certification Marks), Regulations 1955 as amended from time to time, the Indian Standards Institution hereby notifies that Licence No. CM/L-5377 particulars of which are given below has/have been cancelled with effect from 1978-01-25 on account of/due to licensee is not interested.

THE SCHEDULE

Sl. No.	Licence No. and Date	Name and Address of the Licensee	Article/Process Covered by the Licensees Cancelled	Relevant Indian Standards
(1)	(2)	(3)	(4)	(5)
1.	CM/L-5377 1976-07-21	M/s. James Hutton & Co., 37/803, Power House Road, Cochin-682018.	Coal tar food colour preparations and mixtures.	IS : 5346-1975 Specification for coal tar food colour preparations and mixtures (first revision).

[No. CMD/55 : 5377]

नई शिल्पी, 1978-04-13

का० १२१९।—समय समय पर संशोधित भारतीय मानक संस्था (प्रमाणन चिन्ह) विनियम 1955 के विनियम 5 के उपविनियम (1) के अनुसार प्रत्युत्तित किया जाता है कि जिस भारतीय मानक के ब्यौरे यहाँ दिए हैं वह रद्द हो गया है और वापस माना जाए।

अनुसूची

क्रम संख्या	भारतीय मानक की संस्था और रद्द होने की तिथि	भारतीय मानक के राजपत्र में छपने की तिथि और एस ओ संस्था	विवरण
(1)	(2)	(3)	(4)
1. IS : 1761-1960 कांच लगाने और रद्द जड़ने के लिए पारदर्शी कांच की गोट की	भारत के राजपत्र भाग II, खण्ड 3, उपलंड (ii) दिनांक 1961-11-25 में प्रकाशित एस ओ 2760 विनाक विशिष्टि 1961-11-16	भारत के राजपत्र भाग II, खण्ड 3, उपलंड (ii) दिनांक 1961-11-25 में प्रकाशित एस ओ 2760 विनाक विशिष्टि 1961-11-16	क्षयोंकी IS : 1761-1960 में निर्धारित घोषणाएँ IS : 2835-1977 समतल पारदर्शी शीर कांच की विशिष्टि में सम्मिलित कर ली गई है।

[संख्या सीएमडी/13 : 7]

New Delhi, the 1978-04-13

S.O. 1219.—In pursuance of sub-regulation (1) of Regulation 5 of the Indian Standards Institution (Certification Marks) Regulations, 1955 as amended from time to time, it is, hereby, notified that the Indian Standard, particulars of which is mentioned in the Schedule given hereafter, has been cancelled and stands withdrawn :—

SCHEDULE

Sl. No.	No. and Title of the Indian Standard Cancelled	S.O. No. and Date of the Gazette Notification in which Establishment of the Indian Standard was Notified	Remarks
(1)	(2)	(3)	(4)
1. IS : 1761—1960 Specification for transparent sheet glass for glazing and framing purposes.	S.O. 2760 dated 1961-11-16 published in the Gazette of India, Part-II, Section-3, Sub-section (ii) dated 1961-11-25.	As the requirements stipulated in IS : 1761—1960 have been incorporated in IS : 2835—1977 Specification for flat transparent sheet glass (second revision).	[No. CMD/13 : 7]

का० १२२०।—समय समय पर संशोधित भारतीय मानक संस्था (प्रमाणन चिन्ह) विनियम 1955 के विनियम 5 के उपविनियम (i) के अनुसार प्रत्युत्तित किया जाता है कि जिस भारतीय मानक के ब्यौरे यहाँ दिए हैं रद्द हो गया है और वापस माना जाए।

अनुसूची

क्रम सं०	भारतीय मानक की रद्द होने की सं० और तिथि	भारतीय मानक के राजपत्र में छपने की तारीख और एसओ संस्था	विवरण
(1)	(2)	(3)	(4)
1. IS : 3482-1966 बिजली की सासपैन की विशिष्टि	भारत के राजपत्र भाग II, खण्ड 3, उपलंड (ii) दिनांक 1966-08-13 में प्रकाशित एस ओ 2410 विनाक 1966-07-28	क्षयोंकी IS : 3482-1966 में निर्धारित घोषणाएँ IS : 367-1977 बिजली की बरेस केतली और जग की विशिष्टि (दूसरा पुनरीकाण) में सम्मिलित कर ली गई है।	[संख्या सी एम डी/13 : 7]

S.O. 1220.—In pursuance of sub-regulation (1) of Regulation 5 of the Indian Standards Institution (Certification Marks) Regulations, 1955 as amended from time to time, it is, hereby, notified that the Indian Standard, particulars of which is mentioned in the Schedule given hereafter, has been cancelled and stands withdrawn :

SCHEDULE

Sl. No.	No. and Title of the Indian Standard Cancelled	S.O. No. and Date of the Gazette Notification in which Establishment of the Indian Standard was Notified	Remarks
(1)	(2)	(3)	(4)
1. IS : 3482—1966 Specification for electric saucepans.	S.O. 2419 dated 1966-07-28 published in the Gazette of India, Part II, Section-3, Sub-section (ii) dated 1966-08-13.	As the requirements stipulated in IS : 3482—1966 have been incorporated in IS : 367—1977 Specification for electric kettles and jugs for house-hold and similar use (second revision).	[No. CMD/13 : 7]

का० आ० 1221.—समय समय पर संशोधित भारतीय मानक संस्था (प्रमाणन चिन्ह) विनियम 1955 के उपविनियम (i) के अनुसार प्रमुखता किया जाता है कि विस भारतीय मानक के व्यौरे यहां अनुसूची में दिए गए हैं वह 1978-03-01 से रद्द हो गया है और बाप्स साना जाए।
अनुसूची

क्रम संख्या	भारतीय मानक की संख्या और रद्द होने की तिथि	भारतीय मानक के राजपत्र में छपने की तिथि और प्रस्त्रों सं०	विवरण
(1)	(2)	(3)	(4)
1. IS:1027-1968 खानों में प्रयुक्त कागज रोधित केबलों की विशिष्टि	भारत के राजपत्र भाग 2, खण्ड 3, उपखंड (ii) IS : 1027-1968 के IS : 692-1973 के साथ विनांक 1969-09-13 में प्रकाशित एस० ओ० सं० 3728 विनांक 1969-08-22	संशोधन संख्या 3 प्रकटूबर, 1973 द्वारा मिला दिए जाने के परिणामस्वरूप	[सं० सी एम डी/13 : 7]

S.O. 1221.—In pursuance of sub-regulation (1) of Regulation 5 of the Indian Standards Institution (Certification Marks) Regulations, 1955 as amended from time to time, it is, hereby, notified that the Indian Standard, particulars of which is mentioned in the Schedule given hereafter, has been cancelled and stands withdrawn with effect from 1978-03-01.

SCHEDULE

Sl. No.	No. and Title of the Indian Standard Cancelled	S.O. No. and Date of the Gazette Notification in which Establishment of the Indian Standard was Notified	Remarks
(1)	(2)	(3)	(4)
1. IS : 1027—1968 Specification for paper insulated cables for use in mines.	S.O. 3728 dated 1969-08-2 published in the Gazette of India, Part II, Section-3, Sub-section (ii) dated 1969-09-13.	Consequent upon amalgamation of IS : 1027—1968 with IS : 692—1973 vide Amendment No. 3 October 1917.	[No. CMD/13 : 7]

का० आ० 1222.—समय-समय पर संशोधित भारतीय मानक संस्था (प्रमाणन चिन्ह) विनियम 1955 के विनियम 4 के उपविनियम (2) के अनुसार प्रमुखता किया जाता है कि IS : 4855—1969 मशीन कार्य के लिए चमकवार इस्पात की सरिया की विशिष्टि से संबंधित मशीन कार्य वाली चमकवार इस्पात की सरिया संबंधी मानक-चिन्ह की डिजाइन 1978-02-01 से रद्द की जा रही है। इस डिजाइन के व्यौरे भारत के गजट भाग II, खण्ड 3, उपखंड (ii) विनांक 1976-03-06 में एस ओ 991 विनांक 1976-02-16 के प्रधीन प्रकाशित हुए थे।

[सं० सी एम डी/13 : 9]

S.O. 1222.—In pursuance of sub-rule (2) of Rule 4 of the Indian Standards Institution (Certification Marks) Rules, 1955 as amended from time to time, it is, hereby, notified that the design of the Standard Mark of bright steel bars for machining, relating to IS : 4855—1969 Specification for bright steel bars for machining, details of which were published in the Gazette of India, Part II, Section-3, Sub-section (ii) dated 1976-05-06 under No. S.O. 991 dated 1976-02-16, has been rescinded with effect from 1978-02-01.

[No. CMD/13 : 9]

का० आ० 1223.—समय-समय पर संशोधित भारतीय मानक संस्था (प्रमाणन चिन्ह) विनियम, 1955 के विनियम 5 के उपविनियम (i) के अनुसार प्रमुखता किया जाता है कि IS : 1027—1968 खानों में प्रयुक्त कागज रोधित केबलों की विशिष्टि संबंधी खानों में प्रयुक्त कागज रोधित केबलों संबंधी मानक चिन्ह की डिजाइन 1978-03-01 से रद्द की जा रही है। इस डिजाइन के व्यौरे भारत के राजपत्र भाग II, खण्ड 3, उपखंड (ii) विनांक 1976-05-15 में एस ओ 1637 विनांक 1976-04-23 के प्रधीन प्रकाशित हुए थे।

[सं० सी एम डी/ 13 : 8]

S.O. 1223.—In pursuance of sub-rule (2) of Rule 4 of the Indian Standards Institution (Certification Marks) Rules, 1955 as amended from time to time, it is hereby, notified that the design of the Standard Mark for paper insulated cables for use in mines, relating to IS : 1027-1968 Specification for paper insulated cables for use in Wines, details of which were published in the Gazette of India, Part II, Section-3, sub-section (ii) dated 1976-05-15 under No. S.O. 1637 dated 1976-04-23, has been rescinded with effect from 1978-03-01.

[No. CMD/13:9]

का० आ० 1224.—भारतीय मानक संस्था (प्रमाणन चिन्ह) विनियम 1955 के विनियम 7 के उपविनियम (2) के अनुसार भारतीय मानक संस्था भारत भ्रष्टसूचित किया जाता है कि प्रति प्रतिरोधी संवालन कफड़े की प्रति इकाई मुहर लगाने की फीस अनुसूची में दिए गए व्यौरे के अनुसार निर्धारित की गई है और यह कोई 1978-03-01 से लागू होगी।

अनुसूची

क्रम उत्पाद/उत्पाद की श्रेणी	तत्संबंधी मानक की संख्या और शीर्षक	इकाई	प्रति इकाई मुहर लगाने की फीस	
(1)	(2)	(3)	(4)	(5)
1. प्रगिन प्रतिरोधी संवातन कपड़ा कपड़े की विशिष्ट (पहला पुनरीक्षण)	IS : 4355-1977 प्रगिन प्रतिरोधी संवातन एक मीटर (पहला पुनरीक्षण)	एक मीटर	(1) पहली 50000 इकाइयों के लिए 2 पैसे प्रति इकाई	
			(2) 50001 से 100000 इकाइयों तक 1.5 पैसे प्रति इकाई	
			(3) 100001 से भी ऊपर अपर की इकाइयों के लिए 1 पैसा प्रति इकाई।	

[संख्या सी एम डी/13 : 10]

S.O.1224:—In pursuance of sub-regulation (3) of regulation 7 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution, hereby, notifies that the marking fee per unit for fire resistant brattice cloth details of which are given in the Schedule hereto annexed, has been determined and the fee shall come into force with effect from 1978-03-01:

SCHEDULE

Sl No.	Product/Class of Product	No. and Title of Relevant Indian Standard	Unit	Marking Fee per Unit
(1)	(2)	(3)	(4)	(5)
1.	Fire resistant brattice cloth.	IS : 4355-1977 Specification for One fire resistant brattice cloth Metre (First revision).		(i) 2 Paise per unit for the first 50000 units; (ii) 1 Paise per unit for the 5000 1st to 100000 units, and (iii) 1 Paisa per unit for the 10000 1st unit and above.

[No. CMD/13:10]

का०आ० 1225:—भारतीय मानक संस्था (प्रमाणन चिन्ह) विनियम 1955 के विनियम 7 म उपविनियम (3) के अनुसार भारतीय मानक संस्था द्वारा घोषित किया जाता है कि कस्तूरी कीटोन की प्रति इकाई मुहर लगाने की फीस अनुसूची में विए गए और के अनुसार निर्धारित की गई है और यह फीस 1978-03-01 से लागू होगी।

अनुसूची

क्रम उत्पाद/उत्पाद की श्रेणी संख्या	तत्संबंधी मानक की संख्या और शीर्षक	इकाई	प्रति इकाई मुहर लगाने की फीस	
(1)	(2)	(3)	(4)	(5)
1. कस्तूरी कीटोन	IS : 3228-1965 कस्तूरी कीटोन की विशिष्टि	1 किलो	15 पैसे	

[संख्या सी एम डी/13 : 10]

S.O.1225.—In pursuance of sub-regulation (3) of regulation 7 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution, hereby, notifies that the marking fee per unit for musk ketone details of which are given in the Schedule hereto annexed, has been determined and the fee shall come into force with effect from 1978-03-01:

SCHEDULE

Sl No.	Product/Class of Product	No. and Title of Relevant Indian Standard	Unit	Marking Fee per Unit
(1)	(2)	(3)	(4)	(5)
1.	Musk ketone.	IS : 3228-1965 Specification for musk ketone.	One kg	15 Paise.

[No. CMD/13:10]

कानून 1226:—समय-समय पर संशोधित भारतीय मानक संस्था (प्रमाणन चिन्ह) विनियम, 1955 के विनियम 5 के उपविनियम (i) के अनुसार अनुसूचित किया जाता है कि जिस भारतीय मानक के अद्वैत यहाँ दिए हैं रद्द हो गये हैं और उसे 1978-01-31 से वापस माना जाए।

अनुसूची

क्रम संख्या	भारतीय मानक की संख्या और रद्द होने की तिथि	भारतीय मानक के राजपत्र में छपने की तिथि और एस ओ संख्या	विवरण
(1)	(2)	(3)	(4)
1.	IS : 2073-1973 मामान्य इंजीनियरी कार्बन के लिए मशीनकृत पूर्जे तैयार करने के लिए कार्बन इस्पात की काली छड़ों की विशिष्टि	भारत के राजपत्र भाग II, खंड 3, उपखंड (ii) दिनांक 1972-06-24 में प्रकाशित एस ओ 1555 दिनांक 1972-04-25	IS : 7283-1974 अमकदार छड़ों बनाने के लिए गर्म वेलित छड़ों की विशिष्टि
2.	IS : 4855-1969 मशीन करने के लिए अमकदार इस्पात की छड़ों की विशिष्टि	भारत के राजपत्र भाग II, खंड 3, उपखंड (ii) विनांक 1969-08-02 में प्रकाशित एस ओ 3098 दिनांक 1969-07-27	IS : 7270-1974 अमकदार छड़ों (मानक किस्म) की विशिष्टि और IS : 7271-1974 अमकदार छड़ों (साधारण किस्म) की विशिष्टि के प्रकाशन फलस्वरूप

[सं. सी एम ऑ/13 : 7]

S.O.1226:—In pursuance of sub-regulation (1) of Regulation 5 of the Indian Standards Institution (Certification Marks) Regulations, 1955 as amended from time to time, it is, hereby, notified that the Indian Standard(s), particulars of which are mentioned in the Schedule given hereafter, have been cancelled and stands withdrawn, with effect from 1978-01-31.

SCHEDULE

Sl No. & Title of the Indian Standard Cancelled No.	S.O.No. & Date of the Gazette Notification in which Establishment of the Indian Standard was Notified	Remarks	
(1)	(2)	(3)	(4)
1. IS : 2073-1970 Specification for carbon steel black bars for production of machined parts for general engineering purposes (first revision).	S.O. 1555 dated 1972-04-25 published in the Gazette of India, Part II, Section-3, sub-section (ii) dated 1972-06-24.	Consequent upon the publication of IS : 7285-1974 specification for hot rolled bars for production of bright bars.	
2. IS : 4855-1969 Specification for bright steel bars for machining.	S.O. 3098 dated 1969-07-27 published in the Gazette of India, Part II, Section-3, Sub-section (ii) dated 1969-08-02.	Consequent upon the publication of IS : 7270-1974 Specification for bright bars (standard quality) and IS : 7271-1974 Specification for bright bars (ordinary quality).	

[No. CMD/13:7]

कानून 1227:—समय-समय पर संशोधित भारतीय मानक संस्था (प्रमाणन चिन्ह) विनियम 1955 के उपविनियम (i) के अनुसार अधिसूचित किया जाता है कि IS : 2477-1970 हाथ से धूमाने वाला धूलन यंत्र, कठोर पर रखने वाले, की विशिष्टि (पहला पुनरीक्षण) से संबंधित हाथ से धूमाने वाले धूलन यंत्र संबंधी मानक चिन्ह की डिजाइन 1978-03-01 से रद्द की जा रही है। इस डिजाइन के अद्वैत भारत के राजपत्र भाग II, खंड 3 उपखंड (ii) विनांक 1975-01-25 में एस ओ 235 दिनांक 1975-01-10 के प्रधीन प्रकाशित हुए थे।

[सं. सी एम ऑ/13 : 9]

S.O.1227:—In pursuance of sub-rule (2) Rule 4 of the Indian Standards Institution (Certification Marks) Rules, 1955 as amended from time to time, it is, hereby, notified that the design of the Standard Mark for hand rotary duster, relating to IS : 2477-1970 Specification for hand rotary duster, shoulder mounted type (first revision), details of which were published in the Gazette of India, Part II, Section-3, Sub-section (ii) dated 1975-01-25 under No. S.O. 235 dated 1975-01-10, has been rescinded with effect from 1978-03-01.

[No. CMD/13:9]

कानून 1228:—समय-समय पर संशोधित भारतीय मानक संस्था (प्रमाणन चिन्ह) नियम 1955 के नियम 4 के उपविनियम (i) के अनुसार भारतीय मानक संस्था द्वारा अधिसूचित किया जाता है कि संस्था ने एक मानक चिन्ह निर्धारित किया है जिसकी डिजाइन और शाविक विवरण तथा भारतीय मानक के शीर्षक सहित अनुसूची में दी गई है।

भारतीय मानक संस्था (प्रमाणन चिन्ह) अधिनियम 1952 और उसके अधीन बने नियमों के निमित्त यह मानक चिन्ह 1978-03-01 से लागू होगा।

अनुसूची

क्रम मानक चिन्ह की डिजाइन	उत्पाद/उत्पाद की श्रेणी	तस्वीरी भारतीय मानक की संख्या और शीर्षक	मानक की डिजाइन का शाब्दिक विवरण	
(1)	(2)	(3)	(4)	(5)
1.	15 3228 	फस्तूरी कीटोन	IS : 3228-1965 फस्तूरी कीटोन की विवरण	भारतीय मानक संस्था का मोनोग्राम जिसमें 'ISI' शब्द होते हैं स्तम्भ (2) में दिखाई गई ऐसी और अनुपात में तैयार किया गया है और जैसा डिजाइन में विद्याया गया है उस मोनोग्राम की ऊपर की ओर भारतीय मानक की पद संख्या दी गई है।

[सं० सी एम डी/13 : 9]

S.O. 1228.—In pursuance of sub-rule (1) of rule 4 of the Indian Standards Institution (Certification Marks) Rules, 1955 the Indian Standards Institution, hereby, notifies that the Standard Mark, design of which together with the verbal description of the design and the title of the relevant Indian Standard is given in the Schedule hereto annexed, has been specified.

This Standard Mark for the purpose of the Indian Standards Institution (Certification Marks) Act, 1952 and the Rules and Regulations framed thereunder, shall come into force with effect from 1978-03-01.

SCHEDULE

Sl No.	Design of the Product/Class of Standard Mark		Verbal description of the Design of the Standard Mark	
(1)	(2)	(3)	(4)	(5)
1.	Musk ketone	IS : 3228-1965 Specification for musk ketone	The monogram of the Indian Standards Institution, consisting of letters 'ISI', drawn in the exact style and relative proportions as indicated in Col. (2); the number of the Indian Standard being superscribed on the top side of the monogram as indicated in the design.	

[No. CMD/13:9]

का०भा० 1229.—समय-समय पर संशोधित भारतीय मानक संस्था (प्रमाणन चिन्ह) नियम, 1955 के नियम, 4 के उपविनियम (i) के अनुसार भारतीय मानक संस्था द्वारा प्रधिसूचित किया जाता है कि संस्था ने एक मानक चिन्ह निर्धारित किया है जिसकी डिजाइन, शाब्दिक विवरण तथा भारतीय मानक के शीर्षक सहित अनुसूची में दी गई है।

भारतीय मानक संस्था (प्रमाणन चिन्ह) अधिनियम, 1952 और उसके अधीन बने नियमों के निमित्त यह मानक चिन्ह 1978-03-01 से लागू होगा।

अनुसूची

क्रम मानक चिन्ह की डिजाइन	उत्पाद/उत्पाद की श्रेणी	तस्वीरी भारतीय मानक की संख्या और शीर्षक	मानक की डिजाइन का शाब्दिक विवरण	
(1)	(2)	(3)	(4)	(5)
1.	15 4355 	प्रग्नि प्रतिरोधी संवातन कपड़ा	IS : 4355-1977 प्रग्नि प्रतिरोधी संवातन कपड़े की विवरण (पहला पुनरीक्षण)	भारतीय मानक संस्था का मोनोग्राम जिसमें 'ISI' शब्द होते हैं स्तम्भ (2) में दिखाई गई ऐसी और अनुपात में तैयार किया गया है और जैसा डिजाइन में विद्याया गया है उस मोनोग्राम की ऊपर की ओर भारतीय मानक की पद संख्या दी गई है।

[सं० सी एम डी/13 : 9]

वाई० एस० वैकेटेक्सरल, प्रपर महानिदेशक

S.O. 1229.—In pursuance of sub-rule (1) of rule 4 of the Indian Standards Institution (Certification marks) Rules, 1955 the Indian Standards Institution, hereby, notifies that the Standard Mark, design of which together with the verbal description of the design and the title of the relevant Indian Standard is given in the Schedule hereto annexed, has been specified.

This Standard Mark for the purpose of the Indian Standards Institution (Certification Marks) Act, 1952 and the Rules and Regulations framed thereunder, shall come into force with effect from 1978-03-01:

SCHEDULE

Sl. No.	Design of the Standard Mark	Product/Class of Product	No. and Title of the Relevant Indian Standard	Verbal description of the Design of the Standard Mark
(1)	(2)	(3)	(4)	(5)
1.	IS 4355 	Fire resistant brattice cloth	IS : 4355-1977 Specification for fire resistant brattice cloth (First revision)	The monogram of the Indian Standards Institution, consisting of letters 'ISI', drawn in the exact style and relative proportions as indicated in Col. (2); the number of the Indian Standard being superscribed on the top side of the monogram as indicated in the design.

[No. CMD/13:9]

Y. S. VENKATESWARAN, Additional Director General

पेट्रोलियम, रसायन और उर्वरक मंत्रालय

(पेट्रोलियम विभाग)

नई दिल्ली, 31 मार्च, 1978

का० आ० 1230—भारत सरकार के अधिसूचना के द्वारा जैसा कि यहाँ संलग्न अनुसूची में प्रवर्णित किया गया है और पेट्रोलियम पाइप लाइन (प्रयोक्ता के भूमि अधिग्रहण अधिकार) अधिनियम, 1962 के खण्ड 6 के उपखण्ड (1) के अन्तर्गत प्रकाशित किया गया है, गुजरात राज्य के कलोल तेल झेव में उक्त परियाप्त भूमि में वेधन स्थल सं० के-48 से सी० टी० एफ० तक पेट्रोलियम के लिए भूमि उपयोग के अधिकार प्राप्त किए गए हैं।

तेज एवं प्राकृतिक रूप सामान्य ने उपर्युक्त नियम के खण्ड 7 के उपखण्ड (1) की धारा (1) में निर्दिष्ट कार्य दिनांक 2-6-1974 से समाप्त कर दिया गया है।

अतः अब पेट्रोलियम पाइप लाइन के नियम 4 (प्रयोक्ता के भूमि अधिग्रहण अधिकार) नियम, 1963 के अन्तर्गत सम्बद्ध प्राधिकारी एवं द्वारा उक्त तिथि को कार्य समाप्ति की तिथि अधिसूचित करते हैं।

अनुसूची

के-48 से सी० टी० एफ० तक पाइप लाइन कार्य की समाप्ति

मंत्रालय का नाम	गांव	का०आ०	भारत के	कार्य समाप्ति
		सं०	राजपत्र में	की तिथि
पेट्रोलियम	टिटोडा मोपन	2615	20-8-77	प्रकाशन की तिथि 24-6-74
	राठोड़ सहिं			

[सं० 12016/3/78 प्रौ०-I]

MINISTRY OF PETROLEUM, CHEMICALS & FERTILIZERS

(Dept. of Petroleum)

New Delhi, the 31st March, 1978

S.O. 1230.—Whereas by the notification of Government of India as shown in the schedule appended hereto and issued under sub-section (i) of section 6 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962, the Right of User has been acquired in the lands specified in the schedule appended thereto for the transport of petroleum from d.s. No. K-48 to C.T.F. in Kalol oil field in Gujarat State.

And Whereas the Oil & Natural Gas Commission has terminated the operations referred to in clause (i) of sub-section (1) of section 7 of the said Act on 24-6-1974.

Now Therefore under Rule 4 of the petroleum Pipelines (Acquisition of Right of User in land) Rules, 1963, the Competent Authority hereby notifies the said date as the date of termination of operation to above.

SCHEDULE

Termination of operation of pipeline from D.S. K-48 to C.T.F.

Name of Ministry	Villages	S.O. No.	Date of publica- tion in the Gazette of India	Date of termina- tion of operation
Petroleum	Titoda Bhoyanrathod Sajj	2615	20-8-1977	24-6-1974

[No. 12016/3/78-Prod-II]

का० आ० 1231.—भारत सरकार के द्वारा जैसा कि यहाँ संलग्न अनुसूची में प्रवर्णित किया गया है और पेट्रोलियम पाईपलाइन (प्रयोक्ता के भूमि अधिग्रहण अधिकार) अधिनियम, 1962 के खण्ड 6 के उपखण्ड (1) के अन्तर्गत प्रकाशित किया गया है, गुजरात राज्य के मेहसाणा तेल झेव में उक्त परियाप्त भूमि में वेधन स्थल सं० ग्रेस बी झेड जी जी ग्रेस कम सी टी एफ० सोमासन तक पेट्रोलियम के लिए भूमि उपयोग के अधिकार प्राप्त किए गए हैं।

तेज एवं प्राकृतिक रूप सामान्य ने उपर्युक्त नियम के खण्ड 7 के उपखण्ड (1) की धारा (1) में निर्दिष्ट कार्य दिनांक 18-11-1975 से समाप्त कर दिया गया है।

अतः अब पेट्रोलियम पाइप लाइन के नियम 4 (प्रयोक्ता के भूमि अधिग्रहण अधिकार) नियम, 1963 के अन्तर्गत सक्षम प्राधिकारी एवं द्वारा उक्त तिथि को कार्य समाप्ति की तिथि अधिसूचित करते हैं।

अनुसूची

ग्रेस बी झेड से जी जी ग्रेस कम सी टी एफ० सोमासन तक पाइप लाइन कार्य की समाप्ति।

मंत्रालय का नाम	गांव	का०आ०	भारत के	कार्य समाप्ति
		सं०	राजपत्र में	की तिथि
पेट्रोलियम	गुगासन	2815	10-9-77	18-11-75

[सं० 12016/3/78-प्रौ०-III]

S.O. 1231.—Whereas by the notification of Government of India as shown in the schedule appended hereto and issued under sub-section (1) of section 6 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962, the Right of User has been acquired in the lands specified in the schedule appended thereto for the transport of petroleum from d.s. No. SBZ to GGS Cum CTF Sobhasan in Mehsana oil field in Gujarat State.

And Whereas the Oil & Natural Gas Commission has terminated the operations referred to in clause (i) of sub-section (1) of section 7 of the said Act on 18-11-1975

Now Therefore under Rule 4 of the petroleum Pipelines (Acquisition of Right of User in land) Rules, 1963, the Competent Authority hereby notified the said date as the date of termination of operation to above.

SCHEDULE

Termination of operation of pipeline from D.S. SBZ to GGS-Cum-CTF Sobhasan

Name of Ministry	Villages	S.O.No.	Date of publication in the Gazette of India	Date of termination of the operation
Petroleum	Punasan	2815	10-9-77	18-11-7

[No. 12016/3/78-Prod-II]

का० आ० 1232.—भारत सरकार के प्रधिसूचना के द्वारा जैसा कि यहां संलग्न अनुसूची में प्रदर्शित किया गया है और पैट्रोलियम पाइप लाइन (प्रयोक्ता के भूमि प्रधिप्रहण प्रधिकार) प्रधिनियम, 1962 के छान्ड 6 के उपछान्ड (1) के अन्तर्गत प्रकाशित किया गया है, गुजरात राज्य के मेहसाणा तेल क्षेत्र में उक्त परिशिष्ट भूमि में बेघन स्थल सं० भ्रेस डी फी से जी जी भ्रेस कम सी टी एफ सोभासन तक पैट्रोलियम के लिए भूमि उपयोग के प्रधिकार प्राप्त किए गए हैं।

तेल एवं प्राकृतिक गैस आयोग ने उपयुक्त नियम के खण्ड 7 के उपछान्ड (1) की धारा (1) में निर्दिष्ट कार्य दिनांक 14-1-1976 से समाप्त कर दिया गया है।

अतः भ्र पैट्रोलियम पाइप लाइन के नियम 4 (प्रयोक्ता के भूमि प्रधिप्रहण प्रधिकार) नियम, 1963 के अन्तर्गत सक्तम प्राकृतिक एवं द्वारा उक्त तिथि को कार्य समाप्ति की तिथि प्रधिसूचित करते हैं।

अनुसूची

भ्रेस डी फी से जी जी भ्रेस कम सी टी एफ सोभासन तक पाइप लाइन कार्य की समाप्ति।

मंत्रालय का नाम	गांव	का०आ० भारत के सं० राजपत्र में प्रकाशन की तिथि	कार्य समाप्ति
पैट्रोलियम	पुनासन	1107 9-11-77	1-6-76

[सं० 12016/3/78-प्रो०-III]

S.O. 1232.—Whereas by the notification of Government of India as shown in the schedule appended hereto and issued under sub-section (1) of section 6 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962, the Right

of User has been acquired in the lands specified in the schedule appended thereto for the transport of petroleum from d.s. No. SDP to GGS Cum CTF Sobhasan in Mehsana oil field in Gujarat State.

And Whereas the Oil & Natural Gas Commission has terminated the operations referred to in clause (i) of sub-section (1) of section 7 of the said Act on 1-1-1976

Now Therefore under Rule 4 of the petroleum Pipelines (Acquisition of Right of User in land) Rules, 1963, the Competent Authority hereby notifies the said date as the date of termination of operation to above.

SCHEDULE

Termination of operation of pipeline from D.S. SDP to GGS Cum CTF Sobhasan

Name of Ministry	Villages	S.O. No.	Date of publication in the Gazette of India	Date of termination of operation
Petroleum	Punasan	1107	9-4-77	1-1-76

[No.12016/3/78-Prod-III]

का० आ० 1233.—भारत सरकार की प्रधिसूचना के द्वारा जैसा कि यहां संलग्न अनुसूची में प्रदर्शित किया गया है और पैट्रोलियम पाइप लाइन (प्रयोक्ता के भूमि प्रधिप्रहण प्रधिकार) प्रधिनियम, 1962 के छान्ड 6 के उपछान्ड (1) के प्रस्तर्गत प्रकाशित किया गया है, गुजरात राज्य के महेसाणा तेल क्षेत्र में उक्त परिशिष्ट भूमि में बेघन स्थल सं० ऐनोड बेड से केयोडिक प्रोटेक्शन तक पैट्रोलियम के लिए भूमि उपयोग के प्रधिकार प्राप्त किए गए हैं।

तेल एवं प्राकृतिक गैस आयोग ने उपर्युक्त नियम के छान्ड 7 के उपछान्ड (1) की धारा (1) में निर्दिष्ट कार्य दिनांक 9-10-76 से समाप्त कर दिया गया है।

अतः भ्र पैट्रोलियम पाइप लाइन के नियम 4 (प्रयोक्ता के भूमि प्रधिप्रहण प्रधिकार) नियम, 1963 के अन्तर्गत सक्तम प्राकृतिक एवं द्वारा उक्त तिथि को कार्य समाप्ति की तिथि प्रधिसूचित करते हैं।

अनुसूची

ऐनोड बेड से केयोडिक प्रोटेक्शन तक पाइप लाइन कार्य की समाप्ति

मंत्रालय का नाम	गांव	का०आ० भारत के सं० राजपत्र में प्रकाशन की तिथि	कार्य समाप्ति
पैट्रोलियम	पुनासन	1649 15-5-76	9-10-76

[सं० 12016/3/78-प्रो०-IV]

S.O. 1233.—Whereas by the Notification of Government of India as shown in the schedule appended hereto and issued under sub-section (1) of section 6 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 the Right of User has been acquired in the lands specified in the schedule appended thereto for the transport of petroleum from Anode Bed to Cathodic Protection in Mehsana oil field in Gujarat State,

And Whereas the Oil & Natural Gas Commission has terminated the operations referred to in clause (i) of sub-section (1) of section 7 of the said Act on 9-10-1976.

Now Therefore under Rule 4 of the Petroleum Pipelines (Acquisition of Right of User in Land) Rules, 1963, the Competent Authority hereby notifies the said date as the date of termination of operation to above.

SCHEDULE

Termination of operation of pipeline from Anode Bed to Cathodic Protection

Name of Ministry	Village	S.O.No.	Date of publication in the Gazette of India	Date of termination of operation
Petroleum	Punasan	1649	15-5-1976	9-10-1976

[No.12016/3/78-Prod.-IV]

का० आ० 1234.—भारत सरकार के प्रधिसूचना के द्वारा जैसा कि यहाँ मंसम्भ अनुसूची में प्रदर्शित किया गया है और पैट्रोलियम पाइप लाइन (प्रयोक्ता के भूमि अधिग्रहण अधिकार) अधिनियम, 1962 के खण्ड 6 के उपखण्ड (1) के अन्तर्गत प्रकाशित किया गया है, गुजरात राज्य के मेहसाणा तेल क्षेत्र में उक्त परिशिष्ट भूमि में बैधन स्थल सं० एन के 76 से एन के 77 जी जी एम कम सी टी एफ कड़ी तक पैट्रोलियम के लिए भूमि उपयोग के अधिकार प्राप्त किया गए हैं।

तेल एवं प्राकृतिक गैस आयोग ने उपर्युक्त नियम के खण्ड 7 के उपखण्ड (1) की धारा (1) में निर्दिष्ट कार्य दिनांक 23-5-75 से समाप्त कर दिया गया है।

अतः अब पैट्रोलियम पाइप लाइन के नियम 4 (प्रयोक्ता के भूमि अधिग्रहण अधिकार) नियम, 1963 के अन्तर्गत सक्षम प्राधिकारी एवं द्वारा उक्त तिथि को कार्य समाप्ति की तिथि अधिसूचित करते हैं।

अनुसूची

एन के 76 से एन के 77 जी जी एम कम सी टी एफ कड़ी तक पाइप लाइन कार्य की समाप्ति

मंसम्भ का नाम	गाव	का०आ० भारत के सं० राजपत्र में ग्राहण की तिथि	कार्य समाप्ति
पैट्रोलियम	मेहमपुरा चालासाणा	2469	6-8-77 23-5-77

[सं० 12016/3/78 प्र० V]

S.O. 1234.—Whereas by the notification of Government of India as shown in the schedule appended hereto and issued under sub-section (i) of section 6 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962, the Right of User has been acquired in the lands specified in the schedule appended thereto for the transport of petroleum from d.s. No. NK-76 to NK-77 to GGS Cum CTF Kadi in Mehsana oil field in Gujarat State.

And Whereas the Oil & Natural Gas Commission has terminated the operations referred to in clause (i) of sub-section (1) of section 7 of the said Act on 23-5-75

Now Therefore under Rule 4 of the petroleum Pipelines (Acquisition of Right of User in land) Rules, 1963, the

60 GI/78-4

Competent Authority hereby notifies the said date as the date of termination of operation to above.

SCHEDULE

Termination of operation of pipeline from D.S. N.K.-76 to N K -77 to GGS Cum CTF Kadi.

Name of Ministry	Villages	S.O.No.	Date of publication in the Gazette of India	Date of termination of operation
Petroleum	Mehmudpura Chalasan	2469	6-8-77	23-5-75

[No.12016/3/78 -Prod.V]

का० आ० 1235.—भारत सरकार के द्वारा जैसा कि यहाँ संलग्न अनुसूची में प्रदर्शित किया गया है और पैट्रोलियम पाइप लाइन (प्रयोक्ता के भूमि अधिग्रहण अधिकार) अधिनियम, 1962 के खण्ड 6 के उपखण्ड (1) के अन्तर्गत प्रकाशित किया गया है, गुजरात राज्य के मेहसाणा तेल क्षेत्र में उक्त परिशिष्ट भूमि में बैधन स्थल सं० एन के 76 से एन के 77 जी जी एम कम सी टी एफ कड़ी तक पैट्रोलियम के लिए भूमि उपयोग के अधिकार प्राप्त किए गए हैं।

तेल एवं प्राकृतिक गैस आयोग ने उपर्युक्त नियम के खण्ड 7 के उपखण्ड (1) की धारा (1) में ये निर्दिष्ट कार्य दिनांक 10-12-76 से समाप्त कर दिया गया है।

अन. प्रब्र पैट्रोलियम पाइप लाइन के नियम 4 (प्रयोक्ता के भूमि अधिग्रहण अधिकार) नियम, 1963 के अन्तर्गत सक्षम प्राधिकारी उक्त तिथि को कार्य समाप्ति की तिथि अधिसूचित करते हैं।

अनुसूची

एन० आ० ३० से एन० ३० श्र० तक पाइप लाइन कार्य की समाप्ति

मंसम्भ का नाम	गाव	का०आ० सं०	भारत के राज-पत्र में प्रकाशित कार्य समाप्ति की तिथि
पैट्रोलियम	मेहमपुरा चालासाणा	2978	24-9-77 10-12-76

[सं० 12016/3/78 प्र० VI]

S.O. 1235.—Whereas by the notification of Government of India as shown in the schedule appended hereto and issued under sub-section (i) of section 6 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962, the Right of User has been acquired in the lands specified in the schedule appended thereto for the transport of petroleum from d.s. No. SBD to SDO in Mehsana oil field in Gujarat State.

And Whereas the Oil & Natural Gas Commission has terminated the operations referred to in clause (i) of sub-section (1) of section 7 of the said Act on 10-12-76.

Now Therefore under Rule 4 of the petroleum Pipelines (Acquisition of Right of User in land) Rules, 1963, the Competent Authority hereby notifies the said date as the date of termination of operation to above.

SCHEDULE

Termination of Operation of Pipeline
From D.S. SBD to SDO

Name of Ministry	Villages	S.O. No.	Date of publica- tion in the Gazette	Date of termina- tion of operation
Petroleum	Mehsana	2978	24-9-77	10-12-76

[No. 12016/3/78-Prod VI]

नहीं विल्ली, 2 अप्रैल, 1978

का० आ० 1236.—भारत सरकार के धारा जैसा कि यहां संलग्न अनुसूची में प्रदर्शित किया गया है और पैट्रोलियम पाइप लाइन (प्रयोक्ता के भूमि अधिग्रहण अधिकार) अधिनियम, 1962 के खण्ड 6 के उपखण्ड (1) के अन्तर्गत प्रकाशित किया गया है, गुजरात राज्य के अंकलेश्वर तेल क्षेत्र में उक्त परिशिष्ट भूमि में बेश्वन स्थल सं० एस के-1 से जी जी एस-1 तक पैट्रोलियम के लिए भूमि उपयोग के अधिकार प्राप्त किए गए हैं।

तेल एवं प्राकृतिक गैस आयोग ने उपर्युक्त नियम के खण्ड 7 के उपखण्ड (1) की धारा (1) में निर्दिष्ट कार्य दिनांक 15-6-76 से समाप्त कर दिया गया है।

अतः अब पैट्रोलियम पाइप लाइन के नियम 4 (प्रयोक्ता के भूमि अधिग्रहण अधिकार) नियम, 1963 के अन्तर्गत सक्षम प्राधिकारी एतद्-धारा उक्त तिथि को कार्य समाप्ति की तिथि अधिसूचित करते हैं।

अनुसूची

एस एस के-9 से जी जी एस-9 तक पाइप लाइन कार्य की समाप्ति

मंदालय का नाम	गांव	का०आ०	भारत के	कार्य समाप्ति
		सं०	राजपत्र में	की तिथि
पैट्रोलियम	कुडादरा रोहिन	1894	11-6-77	15-6-76
	कालपम डिग्स			
	मोटवाण			

[सं० 12016/3/78 प्रो०-VII]

New Delhi, the 2nd April, 1978

S.O. 1236.—Whereas by the notification of Government of India as shown in the schedule appended hereto and issued under sub-section (i) of section 6 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 the Right of User has been acquired in the lands specified in the schedule appended thereto for the transport of petroleum from d.s. No. SNK-1 to GGS-1 in Ankleshwar oil field in Gujarat State.

And whereas the Oil & Natural Gas Commission has terminated the operations referred to in clause (i) of sub-section (1) of section 7 of the said Act on. 15-6-76

Now therefore under Rule 4 of the Petroleum Pipelines (Acquisition of Right of User in land) Rules, 1963, the Competent Authority hereby notifies the said date as the date of termination of operation to above.

SCHEDULE

Termination of Operation of Pipeline
From D.S. SNK-1 to GGS-1

Name of Ministry	Village	S.O. No.	Date of publica- tion in the Gazette	Date of termina- tion of operation
Petroleum	Kudadra	1894	11-6-77	15-6-76
	Rohit			
	Kalan			
	Digas			
	Motwan			

[No. 12016/3/78 Prod-VII]

का० आ० 1237—भारत सरकार के धारा जैसा कि यहां संलग्न अनुसूची में प्रदर्शित किया गया है और पैट्रोलियम पाइप लाइन (प्रयोक्ता के भूमि अधिग्रहण अधिकार) अधिनियम, 1962 के खण्ड 6 के उपखण्ड (1) के अन्तर्गत प्रकाशित किया गया है, गुजरात राज्य के कलोल तेल क्षेत्र में उक्त परिशिष्ट भूमि में बेश्वन स्थल सं० एस के-113 से के-124 तक पैट्रोलियम के लिए भूमि उपयोग के अधिकार प्राप्त किए गए हैं।

तेल एवं प्राकृतिक गैस आयोग ने उपर्युक्त नियम के खण्ड 7 के उपखण्ड (1) की धारा (1) में निर्दिष्ट कार्य दिनांक 9-12-76 से समाप्त कर दिया गया है।

अतः अब पैट्रोलियम पाइप लाइन के नियम 4 (प्रयोक्ता के भूमि अधिग्रहण अधिकार) नियम, 1963 के अन्तर्गत सक्षम प्राधिकारी एतद्-धारा उक्त तिथि को कार्य समाप्ति की तिथि अधिसूचित करते हैं।

अनुसूची

जी एस के-113 से के-124 तक पाइप लाइन कार्य की समाप्ति

मंदालय का नाम	गांव	का०आ०	भारत के	कार्य समाप्ति
		सं०	राजपत्र में	की तिथि
पैट्रोलियम	पानसर	2816	10-9-77	9-12-76

[सं० 12016/3/78 प्रो० VIII]

S.O. 1237.—Whereas by the notification of Government of India as shown in the schedule appended hereto and issued under sub-section (i) of section 6 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962, the Right of User has been acquired in the lands specified in the schedule appended thereto for the transport of petroleum from d.s. No. K-113 to K-124 in Kalol oil field in Gujarat State.

And whereas the Oil & Natural Gas Commission has terminated the operations referred to in clause (i) of sub-section (1) of section 7 of the said Act on 9-12-1976.

Now therefore under Rule 4 of the petroleum Pipelines (Acquisition of Right of User in land) Rules, 1963, the Competent Authority hereby notifies the said date as the date of termination of operation to above.

SCHEDULE

Termination of Operation of Pipeline
From D.S. K-113 to K-124

Name of Ministry	Villages	S.O.	Date of No.	Date of publication in the Gazette of India	Date of termination of operation
Petroleum	Pansar	2816	10-9-77	9-12-76	

[No. 12016/3/78-Prod-VIII]

का०आ० 1238.—भारत सरकार के प्रधिसूचना के द्वारा जैसा कि यहाँ संलग्न अनुसूची में प्रवर्णित किया गया है और पेट्रोलियम पाइप लाइन (प्रयोक्ता के भूमि अधिग्रहण अधिकार) प्रधिनियम, 1962 के खंड 6 के उपखंड (1) के अन्तर्गत प्रकाशित किया गया है, गुजरात राज्य के कलोल तेल थोर में उक्त परिषिष्ठ भूमि में बेधन स्थल सं० सानन्द जी जी एस से सी टी एफ तक पेट्रोलियम के लिए भूमि उपयोग के अधिकार प्राप्त किए गए हैं।

तेल एवं प्राकृतिक गैस आयोग ने उपर्युक्त नियम के खंड 7 के उपखंड (1) की धारा (1) में निर्विष्ट कार्य दिनांक 29-10-74 से समाप्त कर दिया गया है।

अतः अब पेट्रोलियम पाइप लाइन के नियम 4 (प्रयोक्ता के भूमि अधिग्रहण अधिकार) नियम, 1963 के अन्तर्गत सक्षम प्राधिकारी एवं द्वारा उक्त तिथि को कार्य समाप्ति तिथि अधिसूचित करते हैं।

अनुसूची

सानन्द जी जी एस से सी टी एफ तक पाइप लाइन कार्य की समाप्ति

मंत्रालय का नाम	गांव	का०आ० भारत के राजपत्र सं० में प्रकाशन की तिथि	कार्य समाप्ति की तिथि
पेट्रोलियम	कारोली	3135 15-10-77	29-10-74

[सं० 12016/3/78-प्र०-IX]

जी०के० युद्धाणी, गुजरात के लिए नियमान्तर्गत सक्षम प्राधिकारी

S.O. 1238.—Whereas by the notification of Government of India as shown in the schedule appended hereto and issued under sub-section (i) of section 6 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962, the Right of User has been acquired in the lands specified in the schedule appended thereto for the transport of petroleum from d.s. No. Sanand GGS to C.T.F. in Kalol oil field in Gujarat State.

And Whereas the Oil & Natural Gas Commission has terminated the operations referred to in clause (i) of sub-section (1) of section 7 of the said Act on 29-10-1974.

Now Therefore under Rule 4 of the petroleum Pipelines (Acquisition of Right of User in land) Rules, 1963, the Competent Authority hereby notifies the said date as the date of termination of operation to above.

SCHEDULE

Termination of Operation of Pipeline
D.S. Sanand GGS to CTF

Name of Ministry	Villages	S.O. No.	Date of publication in the Gazette of India	Date of termination of operation
Petrolcum	Karoli	3135	15-10-77	29-10-74

[No. 12016/3/78-Prod. IX]

G. K. DUDANI, Competent Authority under the Act for Gujarat.

ज्ञार्ज मंत्रालय

(विद्युत विभाग)

नई विली, 17 अप्रैल, 1978

का०आ० 1239.—केन्द्रीय सरकार, पंजाब पुनर्गठन प्रधिनियम, 1966 (1966 का 31), की धारा 80 की उपधारा (5) के अनुसरण में व्यास परियोजना के संश्टक, अर्थात् 220/66 के बीं, जगाधरी स्थित 220 के बीं उपकेन्द्र पर 45 एम बी ए ट्रान्सफार्मर, जिसके संबंध में संश्लिष्ट पूरा हो गया है, को उक्त प्रधिनियम की धारा 80 की उपधारा (6) के साथ पठित धारा 79 के प्रधीन गठित भागड़ा व्यास प्रबंध बोर्ड को तुरन्त अन्तरिक करती है।

[का०सं० 21/14/76 बीबी/डी-III (खण्ड-III)]

पी०एस० बेलिअपा, उपकृत सचिव

MINISTRY OF ENERGY

(Department of Power)

New Delhi, the 17th April, 1978

S.O. 1239.—In pursuance of sub-section (5) of section 80 of the Punjab Re-organisation Act, 1966 (31 of 1966), the Central Government hereby transfers, with immediate effect, the component of the Beas Project, namely 220/66 KV, 45 MVA transformer at 220 KV Sub-station, Jagadhri, in relation to which the construction has been completed, to the Bhakra Beas Management Board constituted under section 79, read with sub-section (6) of section 80, of the said Act.

[F. No. 21/14/76-BB/D-III(Vol. III)]

P. M. BELLIAPPA, Jt. Secy.

ज्ञार्जहन और परिवहन मंत्रालय

(गोष्ठहन महानिवेशालय)

बम्बई, 17 अप्रैल, 1978

व्यापारिक नौवहन

का०आ० 1240.—कानूनी आदेश, भारत सरकार, नौवहन और परिवहन मंत्रालय की अधिसूचना सं० एम एस ई(6) 77-एम टी, तारीख 13 जून, 1977, के साथ पठित भारतीय व्यापारिक नौवहन (नायिक नियोजन कार्यालय, बम्बई) नियम, 1954 की धारा 5 को उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, नौवहन महानिवेश, इस अधिसूचना के राजपत्र में प्रकाशित होने की तारीख से दो बद्दों की प्रबंधि के लिए बम्बई पतल पर नायिक नियोजन बोर्ड

(शिरेशगामी) के निम्नलिखित सबस्यों को एतद्वारा नियुक्त करते हैं,
प्रथम :—

1. नौवहन महानिदेशक
2. नौवहन उप-महानिदेशक, नाविक नियोजन कार्यालय, बम्बई, के प्रभारी
3. अम आयुक्त, बम्बई
4. नाविकापाल, बम्बई
5. निवेशकाल, नाविक नियोजन कार्यालय, बम्बई
6. पत्तन स्वास्थ्य अधिकारी, बम्बई
7. श्री एम० लतीफ
8. श्री जी०एस० कुमाना
9. श्री जे०एस०एम० करडेल
10. कातान धी० बेडेकर
11. कातान डी०एस० रुमा
12. श्री टी०एस० नारायण
13. श्री सिंद्धो बोर्डे
14. श्री मोहिदीन बाबा
15. श्री गू०एम० अल्मेड़ा
16. श्रो एम० मोइदू
17. श्रो याकूब सेरांग
18. श्री एम०टी० जोसेफ

} सरकार के प्रतिनिधित्व करने वाले सदस्य

} पोतस्वामियों के प्रतिनिधित्व करने वाले सदस्य

} नाविकों के प्रतिनिधित्व करने वाले सदस्य

2 नौवहन महानिदेशक और नौवहन उप महानिदेशक, नाविक नियोजन कार्यालय, बम्बई के प्रभारी, उक्त बोर्ड के क्रमशः अध्यक्ष और उपाध्यक्ष होंगे।

[सं० 24 (1) सी०/प्रारए/76]

एम० बापा, नौवहन उप महानिदेशक

MINISTRY OF SHIPPING AND TRANSPORT

(Directorate General of Shipping)

Bombay, the 17th April, 1978

MERCHANT SHIPPING

S.O. 1240.—In exercise of the powers conferred by sub-rule (1) of rule 5 of the Indian Merchant Shipping (Seamen's Employment Office, Bombay) Rules, 1954, read with the notification of the Government of India in the Ministry of Shipping and Transport No. MSE (6)/77-MT, dated the 13th June, 1977, the Director General of Shipping hereby appoints Seamen's Employment Board (Foreign Going) at the Port of Bombay for a period of two years with effect from the date of publication of this notification in the Official Gazette, consisting of the following members, namely:—

1. The Director General of Shipping.
2. The Deputy Director General of Shipping, incharge of the Seamen's Employment Office, Bombay.
3. Labour Commissioner, Bombay.
4. The Shipping Master, Bombay.
5. The Director, Seamen's Employment Office, Bombay.
6. The Port Health Officer, Bombay.
7. Shri N. Latif.
8. Shri D.S. Kumana.
9. Shri J.S.M. Caldwell.
10. Capt. P. Bedekar.
11. Capt. D.S. Rupa.
12. Shri T.S. Narayan.
13. Shri Leo Barnes.
14. Shri Mohideen Bawa.
15. Shri U.M. Almedia.
16. Shri M. Moidoo.
17. Shri Yakub Serang.
18. Shri M.T. Joseph.

} Members Representing Government.

} Members Representing Shipowners.

} Members Representing Seamen.

2. The Director General of Shipping and the Deputy Director General of Shipping incharge of the Seamen's Employ

ment Office, Bombay shall respectively, be the Chairman and the Vice Chairman of the aforesaid Board.

[No.24(1)CRA/76]

M. WALA, Dy. Director General of Shipping

सूचना और प्रसारण मंत्रालय

नई दिल्ली, 6 अप्रैल, 1978

का०आ० 1241.—चलचित्र (सेसरशिप) नियमावली, 1958 के नियम 40 के साथ पिछले चलचित्र अधिनियम, 1952 के खंड 5 के उप-खंड (2) द्वारा प्रबल शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार भारतीय डाक सेवा की अधिकारी श्रीमती अपरणा मोहिले को 8 फरवरी, 1978 के अपराह्न से अगले आदेश तक, श्री अमर वर्मा, जो फिल्म प्रभाग, बम्बई में प्रत्यावर्तित हो गए है, के स्थान पर, प्रादेशिक अधिकारी, केन्द्रीय फिल्म से सर बोर्ड, बम्बई के पद पर स्थानापन्न रूप से काम करने के लिए नियुक्त करती है।

[संख्या 2/1/77-एफ०सी०]

रत्न स्वरूप शर्मा, डेस्क अधिकारी

MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 6th April, 1978

S.O. 1241.—In exercise of the powers conferred by sub-section (2) of section 5 of the Cinematograph Act, 1952, read with Rule 10 of the Cinematograph (Censorship) Rules, 1958, the Central Government has been pleased to appoint Shrimati Aparna Mohile, an officer of the Indian Postal Service, to officiate as Regional Officer, Central Board of Film Censors, Bombay with effect from the afternoon of the 8th February, 1978, until further orders, vice Shri Amar Varma reverted to the Films Division, Bombay.

[F. No. 2/1/77-FC]

R. S. SHARMA, Desk Officer

संचार मंत्रालय

(आकृतार बोर्ड)

नई दिल्ली 19 अप्रैल, 1978

का०आ० 1242.—का०आ०संख्या 627, विनांक 8 मार्च, 1960 द्वारा लागू किए गए भारतीय तार नियम, 1951 के नियम 434 के खंड III के पैरा (क) के अनुसार डाक-तार महानिदेशक ने कोट्टारकरा टेलीफोन केन्द्र में दिनांक 16-5-78 से प्रमाणित वर प्रणाली सागृ करने का निश्चय किया है।

[संख्या 5-10/78-पीएचबी]

MINISTRY OF COMMUNICATIONS

(P & T Board)

New Delhi, the 19th April, 1978

S.O. 1242.—In pursuance of para (a) of section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627 dated 8th March, 1960, the Director General, Posts and Telegraphs, hereby specifies the 16-5-1978 as the date on which the Measured Rate System will be introduced in Kottarakkara Telephone Exchange, Kerala Circle.

[No. 5-10/78-PHB]

का०आ० 1243.—का०आ० संख्या 627, दिनांक 8 मार्च, 1960 द्वारा लागू किए गए भारतीय नाम नियम, 1951 के तिथम 434 के खंड III के पैरा (क) के अनुसार डाक-तार महानिदेशक ने करणग्रपत्ती टेलीफोन केन्द्र में दिनांक 16-5-78 से प्रमाणित हर प्रणाली लागू करने का निश्चय किया है।

[संख्या 5-10/78-पीएचबी]

भारत मी० कटारिया, सहायक महानिदेशक

S.O. 1243.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627 dated 8th March, 1960, the Director General, Posts and Telegraphs, hereby specifies the 16-5-1978 as the date on which the Measured Rate System will be introduced in Karunagappally Telephone Exchange, Kerala Circle.

[No. 5-10/78-PHB]

R. C. KATARIYA, Asstt. Director General

रेल मंशालय

(रेल बोर्ड)

नई दिल्ली, 14, अप्रैल 1978

का०आ० 1244.—केन्द्रीय सरकार, भारतीय रेल अधिनियम, 1890 (1890 का 9) की धारा 47 की उपधारा (3) के अनुसरण में मुम्बई पत्तन न्याम रेल (डेमरेज और स्थान भाड़ा) नियम, 1976 में और मंगोधन करने के लिए निम्नलिखित नियम मंजूर और प्रकाशित करती है, ग्राहीतः—

1. मंगिष्ठ नाम और ग्राहीतः—(1) इन नियमों का सक्षित नाम मुम्बई पत्तन न्याम रेल (डेमरेज और स्थान भाड़ा) मंगोधन नियम, 1978 है।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रबृत्त होगे।

2. माल पर स्थान भाड़ा :

मुम्बई पत्तन न्याम रेल (डेमरेज और स्थान भाड़ा) नियम, 1976 में नियम 3 में सारणी के संख्या 4 में मद (i) के स्थान पर निम्नलिखित प्रविधि रखी जाएगी, ग्राहीतः—

“निःशुल्क ममय के प्रतिरिक्त प्रत्येक 50 किंवद्धा० या उसके भाग के लिए प्रतिविन या उसके भाग के लिए 50 रुपये।

प्रतिविन या उसके भाग के लिए कपास की प्रति गाठ 1.70 रु०, गाठ का भौमिक भाग 1.80 रु० रिवर्टल होगा।

(1) चार पहिए वाले प्रति वैगत के लिए प्रतिविन या उसके भाग के लिए 60 रु०।

(2) छोटी वैगत (दो छोपहिया) के लिए प्रतिविन या उसके भाग के लिए 120 रु०।

(3) छोटी वैगत (2½ छोपहिया) के लिए प्रतिविन या उसके भाग के लिए 150 रु०।

[सं० ग्राही टी मी 201/70/2]

पी०एन० भोहिले, सचिव
एवं पदेन सयुक्त सचिव

MINISTRY OF RAILWAYS (Railway Board)

New Delhi, the 14th April, 1978

S.O. 1244.—In pursuance of sub section (3) of Section 47 of the Indian Railways Act, 1890 (9 of 1890), the Central Government hereby sanctions and publishes the following rules

further to amend the Bombay Port Trust Railway (Demurrage and Wharfage) Rules, 1976, namely :—

1. Short title and commencement.—(1) These rules may be called the Bombay Port Trust Railway (Demurrage and Wharfage) Amendment Rules, 1978.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Wharfage on goods.—In the Bombay Port Trust (Demurrage and Wharfage) Rules 1976, in rule 3, for item (i) in column 4 of the table, the following entry shall be substituted, namely :—

“50 paise per 50 Kg. or part thereof per day or part of a day in excess of free time.

Rs. 1.70 per bale of cotton per day or part of a day, a bale being of an average weight of 1.80 quintals.

(i) Rs. 60 per day or part of a day per four wheeled wagon.

(ii) Rs. 120 per day or part of a day for a bogie wagon (two four-wheelers).

(iii) Rs. 150 per day or part of a day for a bogie wagon $\frac{2}{3}$ four-wheelers.”

[No. TCI/201/70/2]

P. N. MOHILE, Secy.
and ex. Officio Lt. Secy.

श्रम मंशालय

नई दिल्ली, 6 अप्रैल, 1978

पृष्ठा-पत्र

का०आ० 1245.—भारत के राजपत्र, भाग 2, खंड 3, उपखंड (ii), तारीख 26 नवम्बर, 1977 के पृष्ठ पर प्रकाशित भारत सरकार के श्रम मंशालय की अधिसूचना संकाया० 3636, तारीख 4 नवम्बर, 1977 में राजपत्र में मुद्रित हिल्ली पाठ की पृष्ठ संख्या और पंक्ति सं० लिखे। पंक्ति में “रबड़ और रबड़ उत्पाद” शब्दों के स्थान पर “टायर और रबड़ उत्पाद” शब्द पढ़ें।

[सं०एम० 35019(360)/77-पी०एफ०II]

MINISTRY OF LABOUR CORRIGENDUM

New Delhi, the 6th April, 1978

S.O. 1245.—In the notification of the Government of India in the Ministry of Labour S.O. No. 3636, dated the 4th November, 1977 published in Part II Section 3, sub section (ii) of the Gazette of India dated 26th November, 1977 at page 4075 in the fourth line for the words “Bharat Rubber and Rubber Products” read “Barat Tyre and Rubber Products”.

[No. S. 35019(360)/77-PF-II]

नई दिल्ली, 13 अप्रैल, 1978

का०आ० 1245.—केन्द्रीय सरकार, कर्मकार प्रतिकर अधिनियम, 1923 (1923 का 8) की धारा 3 की उपधारा (3) द्वारा प्रदत्त पाकियों का प्रयोग करते हुए, इस अधिसूचना से उपबन्ध अनुसूची में विनियिष्ट रोग और नियोजन उक्त अधिनियम की अनुसूची 3 के भाग ग में जोड़ने के अपने आवश्य की सूचना देती है।

उक्त संबंधित की बाबत ऐसे किसी भी आक्षेप या सुझाव पर, जो इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से चार मास की अवधि से पूर्व प्राप्त हो, केन्द्रीय सरकार द्वारा विचार किया जाएगा।

अनुसूची

राष्ट्रीय रोग

“बिसिनोमिस

फार्मसेंलग-फूक फुसी रोग जो फूकदी-वाली धास या अन्य फूकदी वाले बनस्पति उत्पाद की धूल के प्रति: प्रसन्न से हो जाते हैं और जिनके चिह्न और लक्षण ये होते हैं जो श्वसनी कुफकुम घड़ति के परिधीय भाग में प्रतिक्रिया से हुए माने जा सकते हैं तथा जिनसे गस आदान प्रदान पद्धति में नुकस हो जाता है।

न्यूमोकानियोटिसम

नियोजन

किसी भी ऐसे कक्ष में कोई भी नियोजन जहां काड़िग प्रक्रिया समेत इस प्रक्रिया तक की कोई भी प्रक्रिया उन कारब्रानो में निष्पादित होती है जिनमें कच्ची या रद्दी कपास या सन (फ्लैक्स) की कताई या उस पर कोई काम किया जाता है।

कोई भी अधिकारी जिसमें निम्न लिखित में नियोजन के कारण कफूदी वाली धास या अन्य कफूदी वाले बनस्पति उत्पाद की धूल का पड़ना अन्तर्भूत है।
 (क) हृषि, उदान हृषि या बासकी में; या
 (ख) धास या अन्य बनस्पति उत्पाद के भंडारण में लदाई या उत्तराई या उठाने धरने में; या
 (ग) खोई को उठाने धरने में।

कोई भी नियोजन, परन्तु तब जब कि उस व्यापार का निदान और पुष्टिकरण सक्षम चिकित्सा प्राधिकारी द्वारा किया गया हो।”

[सं०एस० 37012/2/76-एच०आर०]
एस० एस० सहस्रानामन, उप सचिव

New Delhi, the 13th April, 1978

S.O. 1246.—In exercise of the powers conferred by sub-section (3) of section 3 of the Workmen's Compensation Act, 1923 (8 of 1923), the Central Government hereby gives notice of its intention to add the diseases and employments, specified in the Schedule annexed hereto, in Part C of Schedule III to the said Act.

2. Any suggestions or objections which may be received from any person in respect of the said addition before the expiry of four months from the date of publication of this notification in the Official Gazette, will be considered by the Central Government.

SCHEDULE

Occupational Diseases	Employment
1	
“Byssinosis	Any employment in any room where any process upto and including the carding process performed in factories in which the spinning or manipulation of raw or waste cotton or of flax is carried on.

1

Farmer's lung-pulmonary disease due to the inhalation of the dust of mouldy hay or of other mouldy vegetable produce, and characterised by signs and symptoms attributable to a reaction in the peripheral part of the broncho pulmonary system, and giving rise to a defect in gas exchange.

Pneumoconiosis

2

Any occupation involving exposure to the dust of mouldy hay or other mouldy vegetable produce by reason of employment;

- (a) in agriculture, horticulture or forestry; or
- (b) loading or unloading or handling in storage of hay or other vegetables produce; or
- (c) handling bagasse.

Any employment, provided that the condition is diagnosed and confirmed by the competent medical authority.”

[No. S-37012/2/76-HI]

CORRIGENDUM

New Delhi, the 15th April, 1978

S.O. 1247.—In the notification of the Government of India in the Ministry of Labour No. S.O. 661 dated the 17th February, 1978, published in the Gazette of India, Part II Section 3, Sub-Section (ii), dated the 4th March, 1978 at page 672, in Line 2, for “88” read “87”.

[No. S-38014/34/77-HI]

S. S. SAHASRANAMAN, Dy. Secy.

नई विल्सो, 13 अप्रैल, 1978

का०आ० 1248.—केन्द्रीय सरकार ने यह समाधन ही जाने पर कि लोकहित में ऐसा करना अपेक्षित था, श्रीशोगिक विवाद प्रधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (3) के उपखंड (6) के उपांधों के अनुसारण में, भारत सरकार के भ्रम मंत्रालय की प्रधिसूचना संख्या का०आ० 3372, तारीख 13 अक्टूबर, 1977 द्वारा यूरेनियम उत्थान को उक्त प्रधिनियम के प्रयोजनों के लिए 20 अक्टूबर, 1977 के छ: मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था;

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छ: मास की और कालावधि के लिए बढ़ाया जाना अपेक्षित है;

प्रत: अब, श्रीशोगिक विवाद प्रधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (3) के उपखंड (6) के परस्पर द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, केन्द्रीय सरकार उक्त उपयोग को उक्त प्रधिनियम के प्रयोजनों के लिए 20 अप्रैल, 1978 से छ: मास की और कालावधि के लिए योक उपयोगी सेवा घोषित करती है।

[सं० एस० 11017/5/78-डी०१(ए)]
एस० के० मारायण, डेस्क प्रधिकारी

New Delhi, the 13th April, 1978

S.O. 1248.—Whereas, the Central Government having been satisfied that the public interest so required had, in pursuance of the provisions of sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the notification of the Government of India in the Ministry of Labour No. S.O. 3372 dated the 13th October, 1977, the service in the Uranium Industry, to be a public utility service for the purposes of the said Act for a period of six months from the 20th October, 1977;

And whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act for a further period of six months from the 20th April, 1978.

[No. S. 11017/5/78/DI(A)]
L. K. NARAYANAN, Desk Officer

नई दिल्ली, 7 अप्रैल, 1978

का०आ० 1249.—केन्द्रीय सरकार की यह राय है कि बुलफाम खान में नियोजन की वाकत न्यूनतम मजदूरी अधिनियम, 1948 (1948 का 11) के अधीन मजदूरी की न्यूनतम दरें नियत की जानी चाहिए;

अब, उक्त अधिनियम की धारा 27 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त नियोजन को उक्त अधिनियम की अनुसूची के भाग 1 में जोड़ने के प्रपत्ते प्राप्ति की सूचना देती है।

उक्त परिवर्धन की वाकत इस अंत मूचना के राजपत्र में प्रकाशन की तारीख से बार मास के अवधान पर या उसके पूर्व किसी व्यक्ति से जो भी आपेया सुझाव प्राप्त होगे केन्द्रीय सरकार उन पर विचार करेगी।

[सं. एम. 32025(38)/78-इल्यू सी(एम इल्यू)]
टी० क० रामाचन्द्रन, उप सचिव

New Delhi, the 7th April, 1978

S.O. 1249.—Whereas the Central Government is of the opinion that the minimum rates of wages should be fixed under the Minimum Wages Act, 1948 (11 of 1948) in respect of employment in Wolfram Mines;

Now, therefore, in exercise of the powers conferred by section 27 of the said Act, the Central Government hereby gives notice of its intention to add the said employment to Part I of the Schedule to the said Act.

Any suggestions or objections which may be received from any person in respect of the said addition on or before the expiry of a period of four months from the date of publication of this notification in the Official Gazette, will be considered by the Central Government.

[No. S. 32025(38)/76-WC(MW)]
T. K. RAMACHANDRAN, Dy. Secy.

New Delhi, the 5th April, 1978

S.O. 1250.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Presiding Officer, Central Government Industrial Tribunal-cum-Labour Court, New Delhi in the industrial dispute between the employers in relation to the management of Dalmia Dadri Cement Limited, Charkhi Dadri and their workmen which was received by the Central Government on the 1-4-1978.

BEFORE SHRI MAHESH CHANDRA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, NEW DELHI

I.D. No. 35 of 1977

BETWEEN

The President, Dalmia Dadri Cement Factorymen's Union, Charkhi Dadri (Haryana) (Ishwar Singh).

AND

The Quarry Manager, M/s. Dalmia Dadri Cement Limited, Charkhi Dadri (Haryana).

PRESENT :

Shri Bhim Sen—for the workman.

Shri S. N. Bhandari—counsel for the Management.

AWARD

The Central Government vide its order No. L-29002/19/74-LR, IV dated the 27th November, 1974 made the following reference to the Industrial Tribunal at Faridabad :

"Whether the action of the management of M/s. Dalmia Dadri Cement Limited, Charkhi Dadri in terminating the service of Shri Ishwar Singh, Loading Mate

w.e.f. 12th January, 1974 is justified ? If not, to what relief is the workman entitled ?

2. On receipt of the said reference requisite notices were sent to the respective parties and a statement of claim was filed by the workman in which it has been submitted that the workman had been in fact working in the Quarries of M/s. Dalmia Dadri Cement Limited, Charkhi Dadri since 20-1-1966 as Loading Mate regularly; that after settlement dated 9-7-1973 the petitioner was issued to an appointment letter now copy Ex. W-1; that the Company extended the probation period mentioned in Ex. W-1 by another three months as given in Ex. W-2; that the Company ultimately terminated the services of the workman w.e.f. 12-1-1974 vide letter copy Ex. W-3; that the said termination is illegal and unjustified and malafide in as much as the Management have no right to extend the period of probation and there were no grounds for terminating the services of the workman. There are other allegations in the statement of claim which are not relevant to the order of reference.

3. Thereafter the Management filed a written statement contending inter-alia that the allegations are not relevant to and are beyond the scope of order of reference and are uncalled for; that no demand notice was served upon the Management by the workman or the Union; that the workman had been employed as stated in Ex. W-1; that the period of probation had been extended in accordance with law and Standing Orders applicable to the respondent; that the order of termination is valid and not liable to be set aside.

4. Upon these pleadings of the parties the following issues were framed by Shri O. P. Sharma on 3-4-1975;

ISSUES :

1. Whether the present reference is bad in law for reasons given in the preliminary objection 'A' of the written statement ? (On Management).

2. Whether the demand the object matter of the present reference was first raised on the management and rejected by it before taking up the matter for conciliation ? If not, with what effect ? (On workman).

3. Whether the action of the management of M/s. Dalmia Dadri Cement Limited, Charkhi Dadri in terminating the services of Shri Ishwar Singh, in Loading Mate w.e.f. the 12th January, 1974 is justified ? If not, to what relief is the workman entitled ?

5. Issue No. 1 was treated as preliminary and arguments were heard thereupon and it is disposed of by Shri O. P. Sharma, my learned Predecessor vide his order dated 11-4-1975 and it was held that the contention raised on behalf of the Management cannot prevail and the issue was decided against the Management and in favour of the workman.

6. Thereafter case was fixed for evidence but before any evidence could be recorded in the case, this case was transferred to this Tribunal by the Central Government and was registered as I.D. No. 33 of 1977 and equal notices were issued to the respective parties who appeared and the case was finally fixed for evidence of the parties to 9th August, 1977. On the 9th August, 1977 Shri Bhim Sain, representative of the workman and Shri S. N. Bhandari, representative of the Management case forward with the following statement :

'The parties do not propose to lead my oral evidence. Document placed on record by respective parties be read into evidence and exhibited.'

7. In pursuance of this statement the documents filed by the workman were exhibited as W-1, to Ex. W-10 and those filed by the Management were exhibited as Ex. M-1 to Ex. M-3. I have gone through the file and the documents produced by the respective parties and have heard arguments of the representatives of the parties. After giving my considered thought to the matter before me I have come to the following findings :

8. ISSUE No. 2

In order to prove this issue the workman has produced Ex. W-4 which is true copy of the demand notice which served upon the Management. He has also filed Ex. W-5, copy of the letter received by the workman from the Management. From the perusal of these two documents it is established beyond any shadow of doubt that a demand and dispute had been raised by the workman and repudiated by the Management and therefore this issue is decided in favour of the workman and against the Management.

9. ISSUE No. 3 :

Ex. W-1 is the copy of letter of appointment filed by the workman and from the perusal thereof I find that the workman have been appointed in pursuance of his application 11-7-1973 w.e.f. 14-7-1973 as a Loading Mate and from the perusal of para no. 2 thereof I find that it has been provided therein as follows :

'That you will be on probation for three months and the Company has a right to extend your probation period or dispense with your services at any time without notice or compensation in lieu of notice without assigning any reason to you even before completion of your probation period.'

It has been submitted by the 1d. counsel for the Management that the Management had extended the period of probation in accordance with para 2 of the appointment letter and the said extension was valid and consequently the termination was effected within this extended period of probation. Ex. W-2 is the letter dated 12-10-1973 whereby the period of probation was extended by another three months upto 13-1-1974. Letter dated 11-1-1974, copy Ex. W-3, shows that the service had been terminated w.e.f. 12-1-1974. Thus on facts it is established that the services of the workman were terminated within the extended period of probation.

10. It has been urged on behalf of the workman by Shri Bhim Sain that this extension of period of probation was not valid and in this context he drew my attention to a copy of certified Standing Orders in respect of Dalmia Dadri Cement Company Limited which purports to have been certified by Shri Sant Ram Garg, District & Sessions Judge Sangrur as Appellate Authority under Act 20 of 1946. However thereupon an application was filed by the Management bringing out therein that the said certified standing orders were not applicable to the workman in as much as they related to the factory etc. Regarding the certified standing orders in relation to Quarry workers it has been submitted at page 2 of the application that the Draft Standing Orders submitted in 1969 before the Certifying Officer (Central) for Quarry workers provided in paragraph 2' Probationer means a workman who is provisionally employed to fill a permanent vacancy in a post and has not completed the probationary period. Ordinarily the period of probation shall be six months but such period of probation may be extended after the completion of six months, where the management considers that a further probationary period is necessary for testing a person's capacity, conduct and character. No probationer shall be classified as permanent unless he has been so confirmed in writing by a letter of the management'. It is further submitted in the said application that the Certifying Authority certified the Draft Standing Orders on November 24, 1969 and in the said Certified Standing Orders it was provided that 'probationer means a workman who is provisionally employed to fill a permanent vacancy in a post and has not completed 3 months service therein. If a permanent employee is employed as a probationer in a new post, he may, at any time during the probationary period, be reverted to his previous permanent post.' Finally it is submitted in the said application that aggrieved by the order of Certifying Officer the Management preferred an appeal to Appellate Authority and the Appellate Authority on appeal revised/modified the Certified Orders of the Certifying Officer vide order dated 12-2-1971 and finally certified Standing Orders, as certified by the Appellate Authority under Act 20 of 1946, provide 'a probationer means a workman who is provisionally employed to fill a permanent vacancy in a post and has not completed six months service therein . . .'. Lastly it is submitted by the Management in the said application that though the workmen have invoked the Writ Jurisdiction of the High Court of Punjab and pending final disposal of the said Writ Petition, the operation of Standing Orders has been stayed but the clause about the probationer has not been impugned in the said Writ Petition and therefore assuming that the Writ Petition were to succeed even then the provisions regarding probation not having been assailed in the Writ Petition would continue to be as certified by the Appellate Authority. It is admitted by the workman in para 1(a) of his statement of claim that the petition was working in the quarries of M/s Dalmia Dadri Cement Limited, Charkhi Dadri and therefore he would be essentially governed by the Standing Orders applicable to the quarries rather than to the factory.

11. In its reply by the union while it is conceded that the Certified Standing Orders were appealed against before the Appellate Authority and have been revised by the Appellate Authority, Writ Petition has been filed in the Punjab and Haryana High Court and the operation of the Certified Standing Orders has been stayed and therefore the Model Standing Orders would apply under Section 12-A of the Act 20 of 1946.

12. From the perusal of Section 3 of the Industrial Employment (Standing) Orders Act, 1946 (Act 20 of 1946) I find that this Section provides for submission of Draft Standing Orders. Section 5 thereof provides for certification of Standing Orders and Section 6 for an appeal to the Appellate Authority. According to Section 7 of the Industrial Employment (Standing Orders) Act, 1946, 'the Standing Orders shall, unless an appeal is preferred under Section 6 come into operation on the expiry of 30 days from the date on which authenticated copies thereof are sent under Sub Section (3) of Section 5, or where an appeal has preferred, on the expiry of 7 days from the date on which copies of the order of the Appellate Authority are sent under Sub Section (2) of Sec. 6'. In the instant case certainly Draft Standing Orders were submitted for certification and they were certified as well but an appeal under section 6 was preferred and the certified Standing Orders were modified and as such these Certified Standing Orders as certified under Section 6 by the Appellate Authority would be deemed to have come into force on the expiry of 7 days from 12th February, 1971 in accordance with provisions of Section 7 of the Act. Once these finally certified orders have come into operation the applicability of Section 12-A would stand quashed or abrogated. Section 12-A of the Act 20 of 1946 provides in sub section (1) that 'not-with-standing anything contained in Section 3 to 12, for the period commencing on the date on which this Act becomes applicable to an Industrial Establishment and ending with the date on which Standing Orders has finally certified under this Act come into operation in Section 7 in that establishment, the prescribed model Standing Orders shall be deemed to be adopted in that establishment and the provisions of Sec. 8, sub section (2) of Section 13 and Section 13-A shall apply to such Model Standing Order as they apply to Standing Orders so certified'. The words 'the Standing Orders as finally certified under this Act come into operation under sec. 7' are very material to appreciate the purport of Section 12-A. According to these words the applicability of Model Standing Orders is abrogated the moment the Standing Orders as finally certified under this Act come into operation under Section 7. Such has been the position in the instant case. The draft Standing Orders stood finally certified under Act 20 of 1946 on 12th February, 1971 and would be under Section 7 of the Act deemed to have come into operation from 19th February, 1971 and thereafter there would not be any question of Model Standing Orders coming into operation denovo. Mere fact that Hon'ble Punjab and Delhi High Courts have stayed the operation of final Certified Orders would not revive the applicability of the Model Standing Orders in the establishment under question. Though an unfortunate situation arises but there is no escape from the conclusion and it cannot be assumed that the Certified Standing Orders do not exist for the purpose of Section 7 or Section 12-A in this establishment after 19th February, 1971 so as to bring into operation the Model Standing Orders again. In this situation either the provisions of finally certified Standing Orders would govern or the provisions of specific contract as given in para 2 of letter of appointment copy Ex. W-1 would prevail. Whether under the finally certified Standing Orders or under the provisions of Para 2 of letter of appointment, the probation can certainly be extend upto six months and in the instant case original probation provided in the letter of appointment was for three months and Company had been given the right to extend the said probation and it was in fact extended by another three months and the services were terminated before the expiry of six months of probation period. Considering this position it would follow that the Management was well within its right to extend the probation period of the workman in question to a maximum of six months and it was open to the Management to terminate the services during the extended period of probation as well and this is what has happened in the instant case. That being the position it would be difficult to assume that the Management was not well within its right to dispense with the services of present workman Shri Ishwar Singh and accordingly it cannot be said that the termination of service of the workman in the instant case is not justified and I hold accordingly.

Therefore an award is hereby made holding that the action of the Management of M/s. Dalmia Dadri Cement Limited, Charkhi Dadri in terminating the services of Shri Ishwar Singh, a Loading Mate w.e.f. 12th January, 1974 is justified and the workman is not entitled to any relief. Parties are left to bear their own costs.

MAHESH CHANDRA, Presiding Officer
[No. L-29012/19/74-LR.IV/D.III B]

New Delhi, the 11th April, 1978

S.O. 1251.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, New Delhi, in the industrial dispute between the employers in relation to the management of M/s. Dalmia Dadri Cement Limited, Charkhi Dadri and their workman which was received by the Central Government on the 1-4-1978.

BEFORE SHRI MAHESH CHANDRA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, NEW DELHI

I. D. No. 31 of 1977

BETWEEN

Shri Sube Singh . Petitioner/Workman
Versus
Dalmia Dadri Cement Ltd., Charkhi Dadri . Respondent/Management.

PRESENT :

Shri O. P. Gupta—Authorised Representative, DDC.
Shri Bhim Sain.—President of the Union.

AWARD

The Central Government as appropriate Government vide its order No. L-29011/101/75-D. III. B dated the 21st October, 1975 referred an Industrial Dispute u/s 10 of the Industrial Disputes Act, 1947 to Industrial Tribunal, Faridabad in the following terms :

'Whether the action of the management of M/s. Dalmia Dadri Cement Limited, Charkhi Dadri in extending the probation of Shri Sube Singh, Clerk from time to time and in terminating services w.e.f. the 11th February, 1975 is bonafide, justified and legal ? If not, to what relief is the said workman entitled ?

2. On receipt of this reference, this reference was registered and usual notices were sent to the respective parties. The statement of claim was filed by the workman and written statement was also filed by the Management. In pursuance thereof following issues were framed by Shri O. P. Sharma, Central Industrial Tribunal, Faridabad.

1. Whether the reference in respect of the legality and justification of extension of the probation of the workman is valid and legal ?
2. If not, whether the reference in respect of the legality or illegality of termination of the services of the workman w.e.f. 11-2-1975, is inseparable from the reference relating to the illegality of extension of the probation period ?
3. Whether the termination of the services of the workman amounts to retrenchment ? If yes, to what effect ?
4. Whether the action of the management of M/s. Dalmia Dadri Cement Limited Charkhi Dadri in extending the probation of Shri Sube Singh from time to time and in terminating his services w.e.f. the 11th February, 1975 is bonafide, justified and legal ? If not, to what relief is the said workman entitled?

3. Issues nos. 1, 2 and 3 were treated as preliminary issues by that Tribunal and fixed 12-2-1976 for arguments on these issues while evidence called on issue no. 4. But before any further action could be taken by the Industrial Tribunal, Faridabad the case was transferred to this Tribunal and after it was registered notices were issued to the respective parties and the case was fixed for evidence of the parties. The parties did not lead any oral evidence rather Shri Bhim Sain and Shri S. N. Bhandari, representative of the respective workman and the Management stated that 'parties do not propose to lead any oral evidence. The document placed on record by respective parties be exhibited and read into evidence and the case be fixed for arguments.' In consequence these documents were exhibited as Ex. W-1 to Ex. W-10 and M-1 to Ex. M-6 and the case was adjourned for arguments. Before arguments were heard the parties appeared and filed a compromise and after going through the compromise and settlement. I have come to the conclusion that the compromise is in the interest of the workman and therefore it was ordered to be recorded. Accordingly statement of representative of workman, Shri Bhim Sain and the representative of the Management Shri O. P. Gupta were recorded vide my order dated 9th February, 1978. They have stated that 'the parties have arrived at a settlement. The settlement is Ex. S/1. It bears our signatures. The settlement has been signed on behalf of the D.D.C. by Shri S. C. Vasishtha. An award may be made in terms of the settlement Ex. S/1.' This settlement bears the signatures of Shri Bhim Sain and Shri O. P. Gupta as well. Accordingly an award in terms of settlement of Ex. S/1 is made. The parties shall be bound by the settlement Ex. S/1 which shall form part of this award. The terms of settlement would thus deem to be incorporated in this award and the award in terms of settlement Ex. S/1 is made.

MAHESH CHANDRA, Presiding Officer

Dated : 13th February, 1978.

MEMORANDUM OF SETTLEMENT UNDER SECTION
18(1) OF THE INDUSTRIAL DISPUTES ACT, 1947
BETWEEN THE MANAGEMENT OF DALMIA
DADRI CEMENT LTD : CHARKHI DADRI &
SHRI SUBE SINGH, CLERK

Representing Employer.—Shri S. D. Vashishtha, Secretary & Quarterly Agent (Under Mines Act).

Representing Workman : Shri Sube Singh—Workman concerned.

SHORT RECITAL OF THE CASE

Whereas Shri Sube Singh was employed as Clerk on probation, he management terminated his services. He raised an Industrial Dispute which was referred for adjudication to the Central Government Industrial Tribunal for adjudication. Industrial dispute is still pending as REF. : No. 31 of 1977. The management and workman Shri Sube Singh had negotiations in the matter of dispute under reference and adjudication.

Subject to and without prejudice to the contentions of the parties, taken in relation to the above dispute, they have arrived at an amicable settlement.

TERMS OF SETTLEMENT

1. Management has agreed to reappoint Shri Sube Singh as a Clerk w.e.f. December 1, 1977 on permanent basis. However, for the purpose of computing the benefit of gratuity, February 15, 1975 will be treated and reckoned as the date. As agreed, Shri Sube Singh will be paid and placed in the minimum step of the 1st Grade of his category as per recommendations of Cement Wage Board.

2. Shri Sube Singh has agreed not to raise any dispute involving financial repercussions for the period he remained un-employed.

3. It has also been agreed that excepting paras 1 to 4 of the letter of appointment dated 24-7-1973, other terms and conditions of service will remain unchanged. Age of retirement agreed will be 58 years. However, this age will be extendable for 2 years i.e. upto 60 years and that too only when the workman remains physically and mentally fit for work.

4. Both the parties agree to file a copy of the Settlement before the Tribunal and to request him for rendering the Award in terms of Settlement.

5. After the Award, the parties agree to withdraw the Writ Petition pending in the High Court of States for Punjab & Haryana at Chandigarh in this respect.

6. As a gesture of goodwill the management agrees to pay to the workman concerned Rs. 150.

Signed this 3rd day of February, 1978 at Charkhi Dadri in token of having accepted the terms and conditions of this agreement as binding on the parties.

Signature of Workman Concerned : Signature of Management Representative:

(SUBE SINGH) (S. D. VASHISTHA)
Clerk Secretary & Quarry Agent of
M/s. Dalmia Dadri Cement Ltd :

Witnesses :

1. Sd/- Illegible.
2. Sd/- C. K. Agarwal
3. Sd/- Bhim Sain.

[No. L-29011/10/75-D.III.B.]

S.O. 1252.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal-cum-Labour Court, New Delhi in the industrial dispute between the employers in relation to the management of M/s. Dalmia Dadri Cement Limited, Charkhi Dadri and their workman which was received by the Central Government on the 1-4-78.

BEFORE SHRI MAHESH CHANDRA, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, NEW DELHI

I.D. No. 37 of 1977

BETWEEN

The President, Dalmia Dadri Cement Factory's men's Union, Charkhi Dadri (Haryana). (Lal Singh).

AND

The Quarry Manager M/s. Dalmia Dadri Cement Limited, Charkhi Dadri (Haryana).

PRESENT :

Shri Bhim Sain—for the workman.

Shri S. N. Bhandari—Counsel for the Management.

AWARD

The Central Govt. vide its order No. I-29012/20/74-LR.IV dated the 30th November, 1974 made the following reference to Industrial Tribunal at Faridabad :

"Whether the action of the management of M/s. Dalmia Dadri Cement Limited, Charkhi Dadri in terminating the services of Shri Lal Singh Clerk, w.e.f. the 11th January, 1974 is justified ? If not, to what relief is the workman entitled ?"

2. On receipt of the said reference requisite notices were sent to the respective parties and a statement of claim was filed by the workman in which it has been submitted that the workman had been in fact working in the Quarries of M/s. Dalmia Dadri Cement Limited, Charkhi Dadri since 27-12-63 as clerk regularly; that after settlement dated 9-7-73 the petitioner was issued an appointment letter now copy Ex. W-11 that the Company extended the probation period mentioned in Ex. W-1 by another three months as given in Ex. W-2; that the Company ultimately terminated the services of the workman w.e.f. 12-1-1974 vide letter copy Ex. W-3; that the said termination is illegal and unjustified and malafide inasmuch as, the Management have no right to extend the period of probation and there were no grounds for terminating the services of the workman. There are other allegations in the statement of claim which are not relevant to the order of reference.

3. Thereafter the Management filed a written statement contending inter-alia that the allegations are not relevant to and are beyond the scope of the order of reference and are uncalled for that no demand notice was served upon the Management by the workman or the Union; that the workman had been employed as stated in Ex. W-1; that the period of probation had been extended in accordance with law and Standing Orders applicable to the respondent; that the order of termination is valid and not liable to be set aside.

4. Upon these pleadings of the parties the following issues were framed by Shri O. P. Sharma on 3-4-1975;

ISSUES :

1. Whether the present reference is bad in law for reasons given in the preliminary objection 'A' of the Written Statement ? (On Management).
2. Whether the demand the subject matter of the present reference was first raised on the management and rejected by it before taking up the matter for conciliation ? If not, with what effect ? (On workman).
3. Whether the action of the management of M/s. Dalmia Dadri Cement Limited, Charkhi Dadri in terminating the services of Shri Lal Singh, Clerk, w.e.f. the 11th January, 1974 is justified ? If not, to what relief is the workman entitled ?

5. Issue No. 1 was treated as preliminary and arguments were heard thereupon and it is disposed of Shri O. P. Sharma, my predecessor vide his order dated 11-4-1975 and it was held that the contention raised on behalf of the Management cannot prevail and the issue was decided against the Management and in favour of the workman.

6. Thereafter case was fixed for evidence but before any evidence could be recorded in the case, this case was transferred to this Tribunal by the Central Govt. and was registered as I.D. No. 37 of 1977 and usual notices were issued to the respective parties who appeared and the case was finally fixed for evidence of the parties to 9th August, 1977. On the 9th August, 1977 Shri Bhim Sain, representative of the workman and Shri S. N. Bhandari, representative of the Management came forward with the following statement :

"The parties do not propose to lead any oral evidence. Documents placed on record by respective parties be read into evidence and exhibited."

7. In pursuance of this statement the documents filed by the workman were exhibited as Ex. W-1 to Ex. W-10 and those filed by the Management were exhibited as Ex. M-1 to Ex. M-3. I have gone through the file and the documents produced by the respective parties and have heard arguments of the representatives of the parties. After giving my considered thought to the matter before me I have come to the following findings :

8. Issue No. 2:

In order to prove this issue the workman has produced Ex. W-4 which is true copy of the demand notice which served upon the Management. He has also filed Ex. W-5, copy of the letter received by the workman from the Management. From the perusal of these two documents it is established beyond any shadow of doubt that a demand and dispute had been raised by the workman and repudiated by the management and therefore this issue is decided in favour of the workman and against the Management.

9. Issue No. 3 :

Ex. W-1 is the copy of letter of appointment filed by the workman and from the perusal thereof I find that the workman had been appointed in pursuance of his application dated 10-7-1973 w.e.f. 14-7-1973 as a Clerk and from the perusal of para No. 2 thereof I find that it has been provided therein as follows :

"That you will be on probation for three months and the Company has a right to extend your probation period or dispense with your services at any time without notice or compensation in lieu of notice without assigning any reason to you even before completion of your probation period."

It has been submitted by the 1d. counsel for the Management that the Management had extended the period of probation in accordance with para 2 of the appointment letter and the said extension was valid and consequently the termination was effected within this extended period of probation. Ex. W-2 is the letter dated 12-10-1973 whereby the period of probation was extended by another three months upto 13-1-1974. Letter dated 11-1-1974, copy Ex. W-3, shows that the service had been terminated w.e.f. 12-1-1974. Thus on fact it is established that the services of the workman were terminated within the extended period of probation.

10. It has been urged on behalf of the workman by Shri Bhim Singh that this extension of period of probation was not valid and in this context he drew my attention to a copy of certified Standing Orders in respect of Dalmia Dadri Cement Company Limited which purports to have been certified by Shri Sant Ram Garg, District & Sessions Judge Sangrur as Appellate Authority under Act 20 of 1946. However thereupon an application was filed by the Management bringing out therein that the said certified standing orders were not applicable to the workman in as much as they related to the factory etc. Regarding the certified standing orders in relation to Quarry Workers it has been submitted at page 2 of the application that the Draft Standing Orders submitted in 1969 before the Certifying Officer (Central) for Quarry workers provided in paragraph 2 'probationer means a workman who is provisionally employed to fill a permanent vacancy in a post and has not completed the probationary period. Ordinarily the period of probation shall be six months but such period of probation shall be six months but such period of probation may be extended after the completion of six months, where the management considers that a further probationary period is necessary for testing a person's capacity, conduct and character, no probationer shall be classified as permanent unless he has been so confirmed in writing by a letter of the management. It is further submitted in the said application that the Certifying Authority certified the Draft Standing Orders on November 24, 1969 and in the said Certified Standing Orders it was provided that 'probationer means a workman who is provisionally employed to fill a permanent vacancy in a post and has not completed 3 months service therein. If a permanent employee is employed as a probationer in a new post, he may, at any time during the probationary period, be reverted to his previous permanent post'. Finally it is submitted in the said application that aggrieved by the order of Certifying Officer the Management preferred an appeal to Appellate Authority and the Appellate Authority on appeal revised/modified the Certified Orders of the Certifying Officer vide order dated 12-2-1971 and finally certified Standing Orders, as certified by the Appellate Authority under Act 20 of 1946, provided 'probationer means a workman who is provisionally employed to fill a permanent vacancy in a post and has not completed six months service therein.....' Lastly it is submitted by the Management in the said application that though the workman have invoked the Writ Jurisdiction of the High Court of Punjab and pending final disposal of the said Writ Petition, the operation of Standing Orders has been stayed but the clause about the probationer has not been impugned in the said Writ Petition and therefore assuming that the Writ Petition were to succeed even then the provisions regarding probation not having been assailed in the Writ Petition would continue to be as certified by the Appellate Authority. It is admitted by the workman in para 1(a) of his statement of claim that the petitioner was working in the quarries of M/s. Dalmia Dadri Cement Limited, Charkhi Dadri and therefore he would be essentially governed by the Standing Orders applicable to the quarries rather than to the factory.

11. In its reply by the union while it is conceded that the Certified Standing Orders were appealed against before the Appellate Authority and have been revised by the Appellate Authority, Writ Petition has been filed in the Punjab and Haryana High Court and the operation of the Certified Standing Orders has been stayed and therefore the Model Standing Orders would apply under Section 12-A of the Act 20 of 1946.

12. From the perusal of Section 3 of the Industrial Employment (Standing) Orders Act, 1946 (Act 20 of 1946) I find that this Section provides for submission of Draft Standing Orders. Section 5 thereof provides for certification of

Standing Orders and Section 6 for an appeal to the Appellate Authority. According to Section 7 of the Industrial Employment (Standing Orders) Act, 1946, 'the Standing Orders shall, unless an appeal is preferred under Section 6, come to operation on the expiry of 30 days from the date on which authenticated copies thereof are sent under Sub Section (3) of Section 5, or where an appeal has been preferred, on the expiry of 7 days from the date on which copies of the order of the Appellate Authority are sent under Sub Section (2) of Sec. 6'. In the instant case certainly Draft Standing Orders were submitted for certification and they were certified as well but an appeal under section 6 was preferred and the certified Standing Orders as certified under Section 6 by the Appellate Authority would be deemed to have come into force on the expiry of 7 days from 12th February, 1971 in accordance with provisions of Section 7 of the Act. Once these finally certified orders have come into operation the applicability of Section 12-A would stand quashed or abrogated. Sec. 12-A of the Act 20 of 1946 provides in sub-section (1) that 'notwithstanding anything contained in Section 3 to 12, for the period commencing on the date on which this Act becomes applicable to an Industrial Establishment and ending with the date on which Standing Orders has finally certified under this Act come into operation in Section 7 in that establishment, the prescribed model Standing Orders shall be deemed to be adopted in that establishment and the provisions of Sec. 8, sub-section (2) of Section 13 and Section 13-A shall apply to such Model Standing Orders as they apply to Standing Orders so certified'. The words 'the Standing Orders as finally certified under this Act come into operation under Sec. 7' are very material to appreciate the purport of Section 12-A. According to these words the applicability of Model Standing Orders is abrogated the moment the Standing Orders as finally certified under this Act come into operation under Section 7. Such has been the position in the instant case. The Draft Standing Orders stood finally certified under Act 20 of 1946 on 12th February, 1971 and would be under section 7 of the Act deemed to have come into operation from 19th February, 1971 and thereafter there would not be any question of Model Standing Orders coming into operation *de novo*. Mere fact that Hon'ble Punjab and Delhi High Courts have stayed the operation of final Certified orders would not revive the applicability of the Model Standing Orders in the establishment under question. Though an unfortunate situation arises but there is no escape from the conclusion and it cannot be assumed that the Certified Standing Orders do not exist for the purpose of Section 7 or Section 12-A in this establishment after 19th February, 1971 so as to bring into operation the Model Standing Orders again. In this situation either the provisions of finally Certified Standing Orders would govern or the provisions of specific contract as given in para 2 of letter of appointment copy Ex. W-1 would prevail. Whether under the finally Certified Standing Orders or under the provisions of para 2 of letter of appointment, the probation can certainly be extended upto six months and in the instant case original probation provided in the letter of appointment was for three months and Company had been given the right to extend the said probation and it was in fact extended by another three months and the services were terminated before the expiry of six months of probation period. Considering this position, it would follow that the Management was well within its right to extend the probation period of the workman in question to a maximum of six months and it was open to the Management to terminate the service during the extended period of probation as well and this is what has happened in the instant case. That being the position it would be difficult to assume that the Management was not well within its right to dispense with the services of present workman Shri Lal Singh and accordingly it cannot be said that the termination of service of the workman in the instant case is not justified and I hold accordingly. Therefore an award is hereby made holding that the action of the Management of M/s. Dalmia Dadri Cement Limited, Charkhi Dadri in terminating the services of Shri Lal Singh, a clerk w.e.f. 12th January, 1974 is justified and the workman is not entitled to any relief. Parties are left to bear their own costs.

MAHESH CHANDRA, Presiding Officer

[No. L-29012/20/74-LB-IV/D.II.B]

Dated, the 5th December, 1977.

New Delhi, the 15th April, 1978

S.O. 1253.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Presiding Officer, Central Government Industrial Tribunal-cum-Labour Court, New Delhi in the industrial dispute between the employers in relation to the Management of Dalmia Dadri Cement Limited, Charkhi Dadri and their workmen, which was received by the Central Government on the 1-4-78.

BEFORE SHRI MAHESH CHANDRA, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, NEW DELHI

I.D. No. 34 of 1977

BETWEEN

The President, Dalmia Dadri Factorymen's Union, Charkhi Dadri (Haryana) (Man Singh)

AND

The Quarry Manager, M/s. Dalmia Dadri Cement Limited, Charkhi Dadri (Haryana).

PRESENT :

Shri Bhim Sen—for the workman.

Shri S. N. Bhandari—Counsel for the Management.

AWARD

The Central Govt. vide its order No. L-29012/21/74-LR. IV dated the 30th November, 1974 made the following reference to Industrial Tribunal at Faridabad :

Whether the action of the Management of M/s. Dalmia Dadri Cement Limited, Charkhi Dadri in terminating the services of Shri Man Singh, Clerk. w.e.f. the 11th January, 1974 is justified ? If not, to what relief is the workman entitled ?

2. On receipt of the said reference requisite notices were sent to the respective parties and a statement of claim was filed by the workman in which it has been submitted that the workman had been in fact working in the Quarries of M/s. Dalmia Dadri Cement Limited, Charkhi Dadri since 20-1-1966 as clerk regularly; that after settlement dated 9-7-1973 the petitioner was issued an appointment letter now copy Ex. W-1; that the Company extended the probation period mentioned in Ex. W-1 by another three months as given in Ex. W-2; that the Company ultimately terminated the services of the workman w.e.f. 12-1-1974 vide letter copy Ex. W-3; that the said termination is illegal and unjustified and mala fide in as much as the Management have no right to extend the period of probation and there were no grounds for terminating the services of the workman. There are other allegations in the statement of claim which are not relevant to the order of reference.

3. Thereafter the Management filed a written statement contending inter-alia that the allegations not relevant to and beyond the scope of order of reference and are uncalled for; that no demand notice was served upon the Management by the workman or the Union; that the workman had been employed as stated in Ex. W-1; that the period of probation had been extended in accordance with law and Standing Orders applicable to the respondent; that the order of termination is valid and not liable to be set aside.

4. Upon these pleadings of the parties the following issues were framed by Shri O. P. Sharma on 3-4-1975;

Issues :

1. Whether the present reference is bad in law for reasons given in the preliminary objection 'A' of the Written Statement? (On Management).
2. Whether the demand the subject matter of the present reference was first raised on the management and rejected by it before taking up the matter for conciliation ? If not, with what effect ? (On workman).
3. Whether the action of the management of M/s Dalmia Dadri Cement Limited, Charkhi Dadri in terminating the services of Shri Man Singh, Clerk w.e.f. the 11th January, 1974 is justified ? If not, to what relief is the workman entitled ?

5. Issue No. 1 was treated as preliminary and arguments were heard thereupon and it is disposed of by Shri O. P. Sharma, my 1d. Predecessor vide his order dated 11-4-1975 and it was held that the contention raised on behalf of the Management cannot prevail and the issue was decided against the Management and in favour of the workman.

6. Thereafter case was fixed for evidence but before any evidence could be recorded in the case, this case was transferred to this Tribunal by the Central Govt. and was registered as I.D. No. 34 of 1977 and usual notices were issued to the respective parties who appeared and the case was finally fixed for evidence of the parties to 9th August, 1977. On the 9th August, 1977 Shri Bhim Sain, representative of the workman and Shri S. N. Bhandari, representative of the Management came forward with the following statement :

"The parties do not propose to lead any oral evidence. Documents placed on record by respective parties be read into evidence and exhibited."

7. In pursuance of this statement the documents filed by the workman were exhibited as Ex. W-1 to Ex. W-10 and those filed by the Management were exhibited as Ex. M-1 to Ex. M-3. I have gone through the file and the documents produced by the respective parties and have heard arguments of the representatives of the parties. After giving my considered through to the matter before me I have come to the following findings :

8. Issue No. 2 :

In order to prove this issue the workman has produced Ex. W-4 which is true copy of the demand notice which served upon the Management. He has also filed Ex. W-5, copy of the letter received by the workman from the Management. From the perusal of these two documents it is established beyond any shadow of doubt that a demand and dispute had been raised by the workman and repudiated by the Management and therefore this issue is decided in favour of the workman and against the Management.

9. Issue No. 3 :

Ex. W-1 is the copy of Letter of appointment filed by the workman and from the perusal thereof I find that the workman have been appointed in pursuance of his application dated 10-7-1973 w.e.f. 14-7-1973 as a Loading Made and from the perusal of para No. 2 thereof I find that it has been provided therein as follows :

"That you will be on probation for three months and the Company has a right to extend your probation period or dispense with your services at any time without notice or compensation in lieu of notice without assigning any reason to you even before completion of your probation period."

It has been submitted by the 1d. counsel for the Management that the Management had extended the period of probation in accordance with para 2 of the appointment letter and the said extension was valid and consequently termination was effected within this extended period of probation. Ex. W-2 is the letter dated 12-10-1973 whereby the period of probation was extended by another three months upto 13-1-1974. Letter dated 11-1-1974, copy Ex. W-3, shows that the service had been terminated w.e.f. 12-1-1974. Thus on facts it is established that the services of the workman were terminated within the extended period of probation.

10. It has been urged on behalf of the workman by Shri Bhim Sain that this extension of period of probation was not valid and in this context he drew my attention to a copy of certified Standing Orders in respect of Dalmia Dadri Cement Company Limited which purports to have been certified by Shri Sant Ram Garg, District & Sessions Judge Sangrur as Appellate Authority under Act 20 of 1946. However thereupon an application was filed by the Management bringing out therein that the said certified standing orders were not applicable to the workman in as much as they related to the factory etc. Regarding the certified standing orders in relating to Quarry workers it has been submitted at page 2 of the application that the Draft Standing Orders submitted in 1969 before the Certifying Officer (Central) for Quarry workers provided in paragraph 2 'probationer means a workman who is provisionally employed to fill a permanent vacancy in a post and has not completed the probationary period. Ordinarily the period of probation shall be six months but such period of probation shall be six months but such

period of probation may be extended after the completion of six months, where the management considers that a further probationary period is necessary for testing a person's capacity, conduct and character. No probationer shall be classified as permanent unless he has been so confirmed in writing by a letter of the management. It is further submitted in the said application that the Certifying Authority certified the Draft Standing Orders on November 24, 1969 and in the said Certified Standing Orders it was provided that 'probationer means a workman who is provisionally employed to fill a permanent vacancy in a post and has not completed 3 months service herein. If a permanent employee is employed as a probationer in a new post, he may, at any time during the probationary period, be reverted to his previous permanent post. Finally it is submitted in the said application that aggrieved by the order of Certifying Officer the Management preferred an appeal to Appellate Authority and the Appellate Authority on appeal revised/revised the Certified Orders of the Certifying Officer vide dated 12-2-1971 and finally certified Standing Orders has certified by the Appellate Authority under Act 20 of 1946 provided 'a probationer means a workman who is provisionally employed to fill a permanent vacancy in a post and has not completed six months service therein.....'. Lastly it is submitted by the Management in the said application that though the workmen have invoked the Writ Jurisdiction of the High Court of Punjab and pending final disposal of the said Writ Petition, the operation of Standing Orders has been stayed but the clause about the probationer has not been impugned in the said Writ Petition and therefore assuming that the Writ Petition were to succeed even then the provisions regarding probationer not having been assailed in the Writ Petition would continue to be as certified by the Appellate Authority. It is admitted by the workman in para 1(a) of his statement of claim that the petitioner was working in the quarries of M/s. Dalmia Dadri Cement Limited, Charkhi Dadri and therefore he would be essentially governed by the Standing Orders applicable to the quarries rather than to the factory.

11. In its reply by the union while it is conceded that the Certified Standing Orders were appealed against before the Appellate Authority and have been revised by the Appellate Authority Writ Petition has been filed in the Punjab and Haryana High Court and the operation of the Certified Standing Orders has been stayed and therefore the Model Standing Orders would apply under Section 12-A of the Act 20 of 1946.

12. From the perusal of Section 3 of the Industrial Employment (Standing) Orders Act, 1946 (Act 20 of 1946) I find that this Section provides for submission of Draft Standing Orders, Section 5 thereof provides for certification of Standing Orders and Section 6 for an appeal to the Appellate Authority. According to Section 7 of the Industrial Employment (Standing Orders) Act 1946 of the Standing Orders shall, unless an appeal is preferred under Section 6 coming to operation on the expiry of 30 days from the date on which authenticated copies thereof are sent under Sub Section (3) of Section 5, or where an appeal has preferred, on the expiry of 7 days from the date on which copies of the order of the Appellate Authority are sent under Sub Section (2) of Sec. 6. In the instant case certainly Draft Standing Orders were submitted for certification and they were certified as well but an appeal under Section 6 was preferred and the certified Standing Orders were modified and as such these Certified Standing Orders have certified under Section 6 by the Appellate Authority would be deemed to have come into force on the expiry of 7 days from 12th February, 1971 in accordance with provisions of Section 7 of the Act. Once these finally certified orders have come into operation the applicability of Section 12-A would stand quashed or abrogated. Section 12-A of the Act 20 of 1946 provides in sub section (1) that notwithstanding anything contained in Section 3 to 12, for the period commencing on the date on which this Act becomes applicable to an Industrial Establishment and ending with the date on which Standing Orders has finally certified under this Act come into operation in Section 7 in that establishment, the prescribed model Standing Orders shall be deemed to be adopted in that establishment and the provisions of Sec. 9, sub section (2) of Section 13 and Section 13-A shall apply to such model Standing Orders as they apply to Standing Orders so certified. The words 'the Standing Orders has finally certified under this Act come into operation under Sec. 7' are very material to appreciate the purport of Section 12-A. According to these words the applicability of Model Standing Orders is abro-

gated the moment the Standing Orders has finally certified under this Act come into operation under Section 7. Such has been the position in the instant case. The draft Standing Orders stood finally certified under Act 20 of 1946 on 12th February, 1971 and would be under Section 7 of the Act deemed to have come into operation from 19th February, 1971 and thereafter there would not be any question of model Standing Orders coming into operation *denovo*. The fact that Hon'ble Punjab and Delhi High Courts have stayed the operation of final Certified orders would not revive the applicability of the Model Standing Orders in the establishment under question. Though the unfortunate situation arises but there is no escape from the conclusion. It cannot be assumed that the Certified Standing Orders do not exist for the purpose of Section 7 or Section 12-A in this establishment after 19th February, 1971 so as to bring into operation the Model Standing Orders again. In this situation either the provisions of final certified Standing Orders would govern or the provisions of specific contract as given in para 2 of letter of appointment copy Ex. W-1 would prevail. Where under the finally certified Standing Orders or under the provisions of Para 2 of letter of appointment the probation can certainly extend upto six months and in the instant case original probation provided in the letter of appointment was for three months and Company had been given the right to extend the said probation and it was in fact extended by another three months and the services were terminated before the expiry of six months of probation period. Considering this position it would follow that the Management was well within its right to extend the probation period of the workman in question to a maximum of six months and it was open to the Management to terminate the services during the extended period of probation as well and this is what has happened in the instant case. That being the position it would be difficult to assume that the Management was not well within its right to dispense with the services of present workman Shri Maan Singh and accordingly it cannot be said that the termination of service of the workman in the instant case is not justified and I hold accordingly. Therefore an award is hereby made holding that the action of the Management of M/s. Dalmia Dadri Cement Limited, Charkhi Dadri in terminating the services of Shri Maan Singh, a Loading Made w.e.f. 12th January, 1974 is justified and the workman is not entitled to any relief. Parties are left to bear their own costs.

MAHESH CHANDRA, Presiding Officer.

[No. L-29012/21/74-LR.IV/D.III. B]

Dated the 5th December, 1977.

S.O. 1254.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal-cum-Labour, Jabalpur, M.P., in the industrial dispute between the employers in relation to the management of M/s. Mining and Transport Co., Barbil and their workmen.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/LC(R)(1) of 1968

Case No. CGIT/LC(R)(13) of 1978

PARTIES :

Employers in relation to M/s. Mining and Transporting Company, Barbil represented through the Keonjhar Mines and Forest Workers Union, P.O. Barbil, Distt. Keonjhar (Orissa).

APPEARANCES :

For Employers—Shri Paul.

For Union—Shri H. Behra.

INDUSTRY : Iron Ore DISTRICT : Keonjhar (Orissa)

AWARD

Jabalpur, the February 28, 1978

This is a reference made by the Government of India in the Ministry of Labour vide its order No. F. No. 37/22/67/LRI dated 28/12/1967, of the industrial dispute mentioned in the Schedule II below relating to the workmen employed in the iron ore mines of the proprietors mentioned in Schedule I below in Keonjhar district for implementation of the recommendations of the Central Wage Board for the Iron Ore Mining Industry.

SCHEDULE I

1. M/s. S. Lal & Co. (P) Ltd., Barbil.
2. M/s. P. Patnaik Mines (P) Ltd., Sarenda, Barbil.
3. M/s. Hindusan General Electrical Corporation (P) Ltd., Barbil.
4. M/s. B. N. Sarenda, Mine Owner, Murgabera Iron Ore Mines, Chaibasa.
5. M/s. K. N. Ram & Co., Roida Iron Mines, Barbil.
6. M/s. K. N. Ram & Co., Roida Manganese Mines, Barbil.
7. M/s. M. L. Rungta & Co., Mine Owner, Chaibasa.
8. M/s. L. N. Bhanji Deo, Inganijharan Iron & Manganese Mine, Inganijharan.
9. M/s. M. S. Dev, Inganijharan Manganese Mine, P.O. Barbil.
10. M/s. Sabita Roy, I.T.O., Jolhari Iron & Manganese Mine, Jojang.
11. M/s. N. H. Rehman, Guwali Iron Mine, Guwali.
12. M/s. N. H. Fegrade, Nadhi Iron Mine, Barbil.
13. M/s. Orissa Minerals Development Co. Ltd., Nalda, Barbil.
14. M/s. Mining and Transporting Co., Barbil.

SCHEDULE II

"Whether the demands of the workmen employed in the Iron Ore Mines of the management whose names are specified in Schedule I for implementation of the recommendations of the Central Wage Board for the Iron Ore Mining Industry are justified if so, to what relief are they entitled and from what date?"

2. M/s. Mining and Transporting Company, Party No. 14, has asserted in an application dated 16-9-1976 that it is not operating any iron ore mine and the name of the Company has been erroneously brought in the reference. They had made a similar prayer even in March 1968. This party is not governed by the stay order of the Calcutta High Court. Inspite of the notices and no union has come forward to rebut this fact. The reference is squarely relating to the implementation of the recommendations of Central Wage Board for the iron ore mining industries. Hence the Company which is not operating any iron ore mine industry can hardly be a party to such a reference. Under the circumstances, no dispute award as prayed for is given with respect to this Company. The name of the said Company be struck off from the Schedule I of the reference.

28-2-1978.

S. N. JOHRI, Presiding Officer
[F. No. 37/22/67-LR. I/D. III. B.]

S.O. 1255.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur, in the industrial dispute between the employers in relation to the management of M/s. B. P. Patnaik Mines (P) Ltd., Sarenda, Barbil and their workmen.

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (MP)

Case No. CGIT/LC(R)(1)/68

In the matter of the Notification No. F. 37/22/67-IRI dated 28th December, 1967 made by the Government of India.

AND

In the matter of an Industrial dispute.

BETWEEN

B. Patnaik Mines (Private) Limited Barbil, Dist. Keonjhar, Orissa.

AND

Their workmen represented by Keonjhar Mines & Forest Workers Union P.O. Barbil, Dist. Keonjhar, Orissa.

The Joint petition of

B. Patnaik Mines (Private) Ltd. and its workmen represented by Keonjhar Mines & Forest Workers Union most respectfully.

SHEWETH :

1. That by Notification No. F. 37/22/67 LRI dated 28th December, 1967 the Government of India referred an industrial dispute between the parties therein named including your petitioner regarding the implementation of the recommendations of the Central Wage Board for the Iron Ore Mining Industry to this Hon'ble Tribunal.

2. That while the proceedings before this Hon'ble Tribunal were pending, the petitioner company above named along with others moved a writ petition before the Calcutta High Court and obtained a Rule nisi on the 12th June, 1968 and also an order staying proceedings before this Hon'ble Tribunal till the disposal of the writ petitions.

3. That before the final hearing of the said writ petition a settlement was reached between your petitioners on 9th May, 1969, whereby all matters in dispute concerning them were settled. A signed copy of the said settlement dated 9th May, 1969 is annexed herewith and marked "A".

4. That on the basis of the settlement dated 9th May, 1969 a consent petition was filed on 12th May, 1969 before the Calcutta High Court praying for modification of the interim stay order granted by the High Court in order to enable your petitioners to file the settlement before this Hon'ble Tribunal and to obtain an award thereon. A copy of the said petition is hereto annexed and marked "B".

5. That on 26th May, 1969 an order was passed by the Calcutta High Court modifying its order dated 12th June, 1968 and giving liberty to the petitioners to apply to this Hon'ble Tribunal for an award in accordance with the Memorandum of Settlement dated 9th May, 1969. A copy of the said order of the Calcutta High Court dated 26th May, 1969 is annexed hereto and marked "C".

6. Even before the award was made effect was given to the said settlement as far as possible in terms of Clause 16 of the Memorandum of Settlement dated 9th May, 1969.

7. That the disputes between your petitioners have been finally settled and no further cause of action exists and accordingly your petitioners pray for an award in terms of the settlement dated 9th May, 1969 filed herewith.

In the circumstances your petitioners pray that your Honour may be graciously pleased to pass an award in terms of the said settlement dated 9th May, 1969 between your petitioners.

And for this act of kindness your petitioners as in duty bound shall ever pray.

For B. Patnaik Mines (Private) Limited

Sd/- A. K. Raha,

Accountant & Constituted Attorney

B. Patnaik Mines (Private) Limited.

For Keonjhar Mines & Forest Workers Union.

Sd/- (D. Satapathy)/6-1-1970 SD/- (H. Behera)/6-1-70
Vice President General Secretary.

Dated 5-1-70.

VERIFICATION

I, A. K. Raha, Accountant & Constituted Attorney of B. Patnaik Mines (Private) Limited, one of the petitioners above-mentioned, and as such one of its principal officers, to declare that the statement made in paragraph 1 to 7 of the above petition are true to my knowledge and the copies hereto annexed are true copies of the originals of which they support to be copies.

I sign this verification at Calcutta this 5th day of January, 1970.

Sd/- A. K. Raha,

Accountant & Constituted Attorney
B. Patnaik Mines (Private) Limited.

We, D. Satapathy and Haribandhu Behara, the Vice President and General Secretary of Keonjhar Mines & Forest Workers Union one of the petitioners herein do declare that we are acquainted with the facts of the case and the statement in paragraphs 1 to 7 of the above petition are true to our knowledge and the copies hereto annexed are true copies of the originals of which they purport to be copies.

Signed by this at Barbil this 6th day of January, 70.

Sd/-
(D. Satapathy)/6-1-70. (H. Behara) /6-1-70.
Vice President, General Secretary
Keonjhar Mines & Forest Workers Union.

MEMORANDUM OF SETTLEMENT BETWEEN THE MANAGEMENT OF M/S. B. PATNAIK MINES (PRIVATE) LIMITED, BARBIL AND THEIR WORKMEN EMPLOYMENT IN IRON ORE MINES, REPRESENTED BY THE KEONJHAR MINES & FOREST WORKERS UNION, BARBIL, ON 9TH MAY, 1969

Name of the Parties :

Messrs. B. Patnaik Mines (Private) Limited

AND

Their Workmen employed in Iron Ore Mines, represented by the Keonjhar Mines & Forest Workers Union, Barbil, District, Keonjhar, Orissa.

Representing Employers :

Shri Biju Patnaik, Chairman of the Company and Shri A. K. Raha Accountant.

Representing Workmen :

Shri D. C. Mohanty, President and Shri H. Behera, General Secretary of Keonjhar Mines & Forest Workers Union.

Short Recital of the Cases :

(1) For sometime past there have been dispute and differences between employer and its workmen in respect of or arising out of the first and second interim reports and the final report of the Central Wage Board for Iron Ore Mining Industry set up by the Government of India or in connection therewith.

(2) By an order dated 28th December 1967 the Government of India referred certain disputes to All India Industrial Tribunal, Jabalpur.

(3) The Employer along with certain other persons made an application to the Calcutta High Court under Article 226 of the Constitution of India challenging the validity of the reference to the Wage Board and also of the recommendation of the Wage Board and other matters and which application was numbered as civil revision case No. 5672(W) of 1968 of that court.

(4) By its order dated 12th June 1968 the Calcutta High Court issued Rule and also issued an injunction staying proceedings before the All India Industrial Tribunal, Jabalpur and the said application is still pending.

(5) For something part commencing in January, 1969 various negotiations were going on between the parties for settlement of the said industrial dispute subject to the approval of the Honble High Court and the said All India Industrial Tribunal, Jabalpur and the said settlement was practically finalised in March, 1969 except for certain minor points.

(6) In the circumstances all outstanding disputes between the parties in respect of or arising out of or in any way connected with the matter have been settled on the terms and conditions herein mentioned and the final report of the Wage Board and other matters have been settled on the terms and conditions herein contained.

Now therefore it is hereby mutually agreed and declared by and between the parties that they have settled the aforesaid disputes on the terms and conditions hereinafter set out :

1. The benefit of this settlement shall apply to all employees/workmen (time-rated as well as piece-rated) whether employed or deemed to be employed by the Employer or on or about the mines of the Employer or worked or through Contractors appointed by it, who are in service as on 1st April, 1969.

2. The following persons/workmen will not be covered under the terms of this Agreement.

- (i) Those who are temporarily or casually engaged in Civil Engineering, Building Construction, Road making and Maintenance or Expansion.
- (ii) Apprentices of working in Offices situated outside the Mining Area.

3. Minimum Total Emoluments

The total minimum emoluments of the lowest paid unskilled workers corresponding to the All India Average consumer price index number 166 (1949-100) with effect from 1-1-1967 include basic wages, Dearness Allowance, cash value of food grains concession and two interim wage increases as recommended by the Wage Board for Iron Ore Mining Industry.

4. Classification

The Iron Ore Mining of the Company shall be grouped "I" Mines as per categorisation recommended by the Wage Board for Iron Ore Mining Industry.

5. Pay-scale for workers other than Clerks and Teachers

There should be the under mentioned 12 monthly and daily basic scales of pay for the time rated workers in the Industry other than Clerks and Teachers.

S. No.	Monthly pay scales	Nearest equivalent daily pay scales (on 26 working days basis)	Daily pay scales converted into monthly on the basis of 26 working days			
			1	2	3	4
1.	75-2-85	3.00-0.08-3.40	78.00	2.08-88.40		
2.	80-2-90	3.20-0.08-3.60	83.20	2.08-93.60		
3.	85-2-95-3-110	3.40-0.10-4.40	88.40	2.60-114.40		
4.	95-2-105-2-120	3.80-0.10-4.80	98.80	2.60-124.80		
5.	110-3-125-4-145	4.35-0.12-4.95-0.15-5.70	113.10	3.12-128.70-3.90-148.20		
6.	130-5-180	5.10-0.20-7.10	132.60	5.20-184.60		
7.	155-6-185-7-220	6.00-0.25-8.50	136.00	6.50-221.00		
8.	170-8-210-260	6.60-0.35-10.10	171.60	9.10-262.60		
9.	215-10-285-15-330	8.30-0.40-10.70-0.50-12.70	215.80	10.40-278.20-13.00-330.20		
10.	255-10-275-15-395	0.85-0.50-11.35-0.55-15.20	256.10	13.00-295.10-14.30-395.20		
11.	325-15-475	12.50-0.55-15.25-0.60-18.25	325.00	14.30-396.50-15.60-474.50		
12.	350-20-450-25-575	13.50-0.80-17.50-0.90-22.00	351.00	20.80-455.00-23.40-572.00		

6. Dearness Allowance

The Dearness Allowance should consist of Two parts, one of which should vary with variation in the cost of living. The dearness allowance which is a part of the total emoluments corresponding to the average All India Consumer Price Index number 166 (1949-100) will not be reduced unless Index number goes below 144. The other part of the dearness allowance should rise or fall depending upon the changes in the index number above 166. The following will be the monthly or daily rates of Dearness Allowance.

Monthly	Daily
Upto Rs. 149	Rs. 55 per month Upto Rs. 5.70— Rs. 2 per day.
Rs. 150—299	Rs. 60 -do- Rs. 5.71 to 11.50— Rs. 2.30.
Rs. 300—399	Rs. 65 -do- Rs. 11.51 to 15.25— Rs. 2.50.
Rs. 400 and above	Rs. 70 Rs. 15.25 and above Rs. 2.75.

7. Variable Dearness Allowance :

- (a) For every variation of 2 points in the All India Consumer Price Index Number 166 (1949-100) the dearness allowance should vary at Rs. 1.50 per month per monthly rated workers and at 0.06 paise per day for daily rated workers. There shall be no adjustment for rise and fall below 2 points.
- (b) While calculating the variable Dearness Allowance arise in the cash value of concessions of food grains supplied at a concessional rate will be taken into account and reduced from variable Dearness Allowance.
- (c) In view of the practical difficulty in calculating the arrear wages and the amount entitled on account of variable Dearness Allowance, it is mutually agreed that for the year 1967 the All India Consumer Price Index Number is taken as 204 and for the year 1968 at 212 on annual average basis. Subsequent to 1-4-1969, there will be a revision of variable Dearness Allowance for every quarter basing the Index Number of the previous quarter as the standard applicable. The Dearness Allowances should be treated as part of the total emoluments of the employees.

Phased Increase in Wages

The wages of workmen shall be phased as below :—

Daily basic wages from :—

1-1-67 .	1-1-68	1-1-69	1-1-70	1-1-71
Rs. 2	Rs. 2.25	Rs. 2.50	Rs. 2.75	Rs. 3.00

All workmen/employees including clerical and teaching staff, etc, have been categorised having regard to their present emoluments, nature of duty, responsibility, experience, etc. as per details below :

Catagory : I 75.2-85 plus D.A. Rs. 55 starting minimum salary Rs. 130 (3-0.08-3.40 daily) plus variable Dearness Allowance.

1. Peon
2. Chairman
3. Untrained Creche Aya
4. Sweeper

Catagory : II 80.2-90 plus D.A. Rs. 55.00—Starting minimum salary Rs. 135 plus variable D.A.

1. Pump Man
2. Khalasi
3. Guard and Watchman
4. Trained Creche Aya
5. Challan and Transport Mate without Competency Certificates.
6. Creche Attendant

Catagory : III & IV 85.2-105.3-120 plus D.A. Rs. 55 Starting salary Rs. 140 plus variable D.A.

1. Carpenter
2. Vehicle Driver
3. Blacksmith

Catagory : V 110.3-125.4-145 plus Rs. 55 starting salary Rs. 165 plus variable D.A.

1. Mining Mate with Certificate
2. Mining Blaster with Certificate
3. Hospital Nurse with Certificate
4. Mechanical Fitter
5. Tractor Compressor Driver
6. Compounders

Catagory : VI & VII 130.5-155.6-185.7-220 plus D.A. Rs. 55 starting salary Rs. 185 plus variable D.A.

1. Junior Mechanic
2. Blasting Foreman with Certificate
3. Electrical Wireman with Competence Certificate
4. Senior Mechanic
5. Dozer Operator
6. Drilling Foreman

Catagory : VIII Rs. 170.8-210.10-250 plus D.A. Rs. 55 starting salary Rs. 225 (Rs. 225) plus variable D.A.

1. Unqualified Foreman with Diploma but without Competency Certificate.

Catagory : IX Rs. 215.10-285.15-330-plus D.A. Rs. 55 starting salary Rs. 275 plus variable D.A.

1. Junior Mining Foreman with Competency Certificate
2. Assistant Surveyor with Certificate

Catagory : X Rs. 255.10-275.15-325 plus D.A. Rs. 60-65 starting salary Rs. 315 plus variable D.A.

1. Senior Mining Foreman, Diploma Holder with Competency Certificate.
2. Senior Surveyor with Competency Certificate
3. Electrical Supervisor with competency certificate
4. Qualified Medical Officer

Catagory : XI & XII 325.15-400.20-500.25-625 plus D.A. Rs. 65 to Rs. 70 starting salary Rs. 390 plus variable D.A.

1. Graduate Engineer
2. Welfare Officer
3. Permit Manager

Clerks :

Grade I 300.15-375.20-575 plus D.A. Rs. 65 to Rs. 70 starting salary Rs. 365 plus variable D.A.

1. Office Superintendent
2. Labour Welfare Officer

Grade II 190.12-250.15-400 plus Rs. 60 to Rs. 70 D.A. Starting salary Rs. 250 plus variable D.A.

1. Head Clerk
2. Accountant
3. Stenotypist and Confidential Clerk
4. Section-in-charge

Grade III 120.10-170.12-290 plus D.A. Rs. 55 to Rs. 60 starting salary Rs. 175 plus variable D.A.

1. Time Keeper
2. Store Clerk
3. Labour Welfare Clerk
4. General Clerk
5. Provident Fund Clerk
6. Despatch Clerk
7. Typist
8. Accounts Clerks

Teacher : Rs. 130.5-160.8-280-Matriculate Teacher
Rs. 110.3-131.4-175.5-190 Non Matriculate Teacher.

8. Piece Rated :

(a) With effect from 1-1-1967 in no case piece rate workers shall get total wages not less than Rs. 4 per day exclusive of variable D.A. A piece rate raising worker shall, therefore, get for the year 1967 @ Rs. 4.48 per 36 Cft. of Iron Ore raised per day, which is inclusive of basic dearness allowance and variable D.A. Food Grains will be issued at concessional rate. For the year 1968 the raising worker will get Rs. 4.92 per 36 Cft. of Iron Ore raised per day, which is inclusive of basic, dearness allowance and variable D.A. Food Grains will be issued at a concessional rate.

For the year 1969 the raising worker will get Rs. 5.17 per 36 Cft. of Iron Ore raised per day, which is inclusive of basic, dearness allowance and variable D.A. Food Grains will be issued at a concessional rate.

(b) The fall-back wage should be 50 per cent basis to the piece-rated workers when they are unable to perform their norm of work under circumstances beyond their control, in view of the peculiar conditions of the trade.

9. Fitment into the New Pay Scale :

(A) Monthly rate Workers : In the case of an existing monthly rated workmen his existing total emoluments (consisting of basic pay, dearness allowance cash value of food grains concessions, interim wage increase and other allowances if any), shall be worked out for December 1966 or for the immediately preceding working month. If by placing at the minimum of the revised pay scale, workmen gets an immediate increase of Rs. 25 per month or more over his existing total emoluments, he would not be entitled to any increments on account of length of service and he shall be fitted at that point.

If however, a workman gets less than Rs. 25 per month when placed at the minimum of the revised scale, he shall be entitled to one increment starting from the minimum of the revised scale, for every three years of service or part thereof which is not less than one year, in his present category subject to the following limitations.

- (i) A workman will not be entitled to any increment if he has not put in one completed year service on 1-1-67.
- (ii) The increase on the existing total emoluments of the workmen, by way of such increases, shall not exceed the maximum amount Rs. 25 per month and in case by addition of the increments as recommended above, he gets more than Rs. 25 per month, he shall be fixed at the previous points on that scale.
- (iii) In no case shall the increase in the existing total emoluments of the workmen be less than Rs. 13 per month. If however, after fitting the workman in the above manner, he gets an increase of less than Rs. 13 per month over his existing total emoluments Rs. 13 per month is to be added to his existing total emoluments and if after that his wages (in the basic pay scale) are in the middle of the revised pay scale he shall be fitted at the next higher point in that scale.

(B) Daily Rated Workers.

In the case of an existing daily rated workman, whether he is a daily scale or not his existing total emoluments (consisting of basic pay, dearness allowance, cash value of food grains concession, interim wage increase and other allowances, if any), on 31st December 1966 or the immediately proceeding working day, shall be worked out, if by placing at the minimum of the revised pay scale, a workman gets an immediate increase of Re. 1 per day or more over his existing total emoluments, he will not be entitled to any increments on account of length of service and he shall be fitted at that point.

If however a workman gets less than Re. 1 per day when placed at the minimum of the revised scale, he shall be entitled to one increment starting from the minimum of the revised pay scale, for every three years of service or part thereof, which is not less than one year, in his present category subject to the following limitations :

- (i) A workman shall not be entitled to any increment if he has not put in one completed year of service on 1-1-67.
- (ii) The increase in the existing total emoluments of the workman by way of such increase, shall not exceed the maximum amount of Re. 1 per day and in case by the addition of the increments as agreed to, he gets more than Re. 1 per day he shall be fitted at the previous point in that scale.
- (iii) In no case, shall the increase in the existing total emoluments of a workman shall be less than Re. 0.50 paise per day. If therefore after fitting the workman in the above manner he gets an increase or less than Re. 0.50 paise per day over his existing total emoluments and if after that his wages (in the basic pay scale) are in the middle of the revised pay scale, he shall be fitted at the next Higher point in the scale.
- (C) By the above fitment all workmen are to ensured a minimum increase of Rs. 13 per month or Re. 0.50 paise per day with effect from 1-1-67, except in case whose categorisation shall entitle the workman a higher increase in this existing total emoluments.
- (D) If by reason of fitment the pay scale of the workers exceeds the maximum of the revised scale on which he is placed, the excess amount shall be treated as personal pay which shall count for all purposes, as part of basic pay and it shall be adjusted against wages increase as a result of future promotions.
- (E) In the case workmen whose wages have been phased the basic wage as phased shall be taken into account while working out the total emoluments in the revised pay scale. Such workmen shall not be entitled to the increments recommended above to gain the benefit of service. Those workmen will of course be entitled to a minimum increase of Rs. 13 per month of Re. 0.50 paise per day in their existing total emoluments.
- (F) The basic pay in the revised pay scale shall be the total emoluments in the revised pay scales less the dearness allowance for the concerned category of workmen.
- (G) In the case of these workmen whose pay has been fitted in the revised pay scale after allowing increments to give service benefits, the date of future annual increments shall be 1st January.
- (H) The minimum and maximum increase of Rs. 13 to Rs. 25 per month or Re. 0.50 to Re. 1 per day intended to be granted to a workman as an immediate increase in his total emoluments will be inclusive of the amount paid in excess of the 2nd interim wage increase granted by the Board and/or normal increments allowed after 1st April, 1966.

10. Permanency of Workers.

All persons with six months continuous service should be given facilities which are normally available to permanent workers.

11. Holiday and Leave Facilities

Existing procedure will be followed i.e. 10(ten) paid holi-days which should include Republic Day and Independence Day and (b) 18 days sick leave with full pay.

12. Period of Enforcement

For a period of Five years, i.e. 1-1-1967 to 31-1-1971.

13. Save as herein expressly provide the workmen shall not have or claim any retiring benefits such as gratuity and the Employer shall not be required to set up any Scheme for this purpose during the period of agreement.

14. No claim shall be made by or on behalf of the workmen in respect of any of the reports or recommendations of the said Wage Board save to the extent herein expressly provided and any matter which is not expressly provided or on which this settlement is silent shall be deemed to be given up and need not be implemented by any of the parties.

15. Notwithstanding the increase in the basic wages and to the remuneration payable to the workmen under this settlement with retrospective effect no increase with retrospective effect shall take place in the provident fund contribution, leave pay, Bonus dearness allowance and other payments which are based on the basic wages or otherwise and no claim shall be made by the workmen in respect thereof prior to the period 1st June, 1969 and whatever has been duly paid by the Employer in respect of such Provident Fund leave pay, dearness allowance bonus etc., upto the said date in accordance with the old scales of pay shall be accepted as final and fully satisfied. The Employer will however be entitled to deduct and retain the Provident Fund Contribution payable by the worker for a period of one year. If this said contribution is not found payable the employer shall refund the same to the worker.

16. Both parties undertake that this settlement shall be filed before Industrial Tribunal, Jabalpur and they shall apply for an award in accordance therewith. For that purpose both the parties will join in an application to be made to the Calcutta High Court for variation of the order of Injunction made by the Calcutta High Court as aforesaid. Pending the final award before the Industrial Tribunal, Jabalpur and in view of the undertaking given on behalf of the workmen the Employer shall make payment to the workmen the current wages on the basis of this settlement and the payments for the earlier periods will be made as soon as possible after this settlement has been filed with and an award has been made in accordance therewith by the All India Industrial Tribunal, Jabalpur in four equal instalments with a period of nine months from the date of filing of the said award.

In witness where of this document has been signed by or on behalf of the respective parties this 9th day of May one thousand nine hundred and sixty nine.

For B. Patnaik Mines (Private) Limited

(B. Patnaik)/9-5-69

Chairman

Sd/-

(A. K. Raha)/9-5-69
Accountant

For Keonjhar Mines & Forest Workers Union.

(D. Mohanty)/9-5-69

President

(H. Behera)/9-5-69
General Secretary

(D. Satapathy)/9-5-69
Vice-President

Sd/-/(D. Mohanty)/12-1-70

Sd/-/(H. Behera)/12-1-70

Sd/-/(A. C. Mohanty)/12-1-70

S. N. JOHRI, Presiding Officer
[F. No. 37/22/67-I.R. I/D. III. B.]

S.O. 1256.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur, in the industrial dispute between the employers in relation to the Management of M/s. K. N. Ram and Company, Roida Iron Mine, Barbil and their workmen.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
CUM-LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/LC(R)(1) of 1968
Case No. CGIT/LC(R)(11) of 1978

PARTIES :

Employers in relation to M/s. K. N. Ram and Company, Roida Iron Mine, Barbil and their workmen represented by Keonjhar Mines and Forest Workers Union, Barbil Distt, Keonjhar (Orissa).

APPARANCES :

For Employer.—Shri Silal I. Adhvaryu, Mines Superintendent.

For Workmen—Shri D. Satpathy, Vice President of the Union.

INDUSTRY : Iron Ore

DISTRICT : Keonjhar (Orissa)

Dated : February 28th, 1978

AWARD

This is a reference made by the Government of India in the Ministry of Labour vide its order No. F. No. 37/22/67/I.R. dated 28-12-1967, of the industrial dispute mentioned in Schedule II below relating to the workmen employed in the iron ore mines of the proprietors mentioned in Schedule I below in Keonjhar district for implementation of the recommendations of the Central Wage Board for the Iron Ore Mining Industry.

SCHEDULE I

1. M/s. S. Lal and Co. (P) Ltd., Barbil.
2. M/s. B. Patnaik Mines (P) Ltd., Sarenda, Barbil.
3. M/s. Hindustan General Electrical Corporation (P) Ltd., Barbil.
4. M/s. B. N. Sarenda, Mine Owner, Murgabera Iron Ore Mines, Chaibasa.
5. M/s. K. N. Ram and Co., Roida Iron Mine, Barbil.
6. M/s. K. N. Ram and Co., Roida Manganese Mine, Barbil.
7. M/s. M. L. Rungta and Co., Mine Owner, Chaibasa.
8. M/s. L. N. Bhanji Deo, Inganijharan Iron and Manganese Mine, Inganijharan.
9. M/s. M. S. Dev, Inganijharan Manganese Mine, P.O. Barbil.
10. Smt. Sabita Roy, I.T.O., Jolhari Iron and Manganese Mine, Jojang.
11. M/s. N. H. Rehman, Guwali Iron Mine, Guwali.
12. M/s. N. H. Fegrade, Nadhi Iron Mine, Barbil.
13. M/s. Orissa Minerals Development Co. Ltd., Naldu, Barbil.
14. M/s. Mining and Transporting Co., Barbil.

SCHEDULE II

“Whether the demands of the workmen employed in the Iron Ore Mines of the management whose names are specified in Schedule I for implementation of the recommendations of the Central Wage Board for the Iron Ore Mining Industry are justified? If so, to what relief are they entitled and from what date?”

2. The Union and M/s. K. N. Ram and Company, Roida Iron Mine, Barbil party No. 5 settled their dispute on 24-5-1969 and filed the same alongwith an application dated 4-6-1969 before my predecessor. I have perused the terms of the aforesaid settlement and I am satisfied that they are fair and reasonable. I make my award with respect to that party, in terms of the settlement which shall form part of this Award.

S. N. JOHRI, Presiding Officer
28-2-1978

BEFORE SRI G. C. AGARWAL,
PRESIDING OFFICER,
INDUSTRIAL TRIBUNAL (CENTRAL),
JABALPUR.

Sir,

In the matter of case No. CGIT-LC(R)(1)/68.
BETWEEN

M/s. Khatua Nurbheram and Co. Roida Iron Mines.
AND

Their Workmen employed in Roida Iron Mines represented by the Keonjhar Mines and Forest Workers Union, Barbil Distt-Keonjhar (Orissa).

That the above named both the petitioners, most humbly state as follows :—

That both the parties have entered into a Bipartite Settlement over the above said dispute on 24-5-69 and file the same (Settlement) in Original herewith and apply for an Award in accordance therewith.

That copies of the settlement have been forwarded to (1) The Secretary to the Government of India, Ministry of Labour and Employment, New Delhi (2) Chief Labour Commissioner (Central), New Delhi (3) Regional Labour Commissioner (Central), Bhubaneswar (4) Asstt. Labour Commissioner (Central), Rourkela.

Therefore, it is prayed that your honour may kindly be pleased to declare the same as an Award and for which act of your kindness, the parties shall ever pray.

By the Petitioners

(1) For Khatau Narbheram and Co.

Sd/-

4-6-69

Partner.

(2) For Keonjhar Mines and Forest Workers Union, Barbil, Distt. Keonjhar (Orissa) representing the workers employed in Roida Iron Mines.

4-6-69

General Secretary.

Submitted one settlement

in Original

Barbil, Dated 4th June, 1969.

NAME OF THE PARTIES :

Messrs. Khatau Narbheram and Co.

And

Their workmen employed in Iron Ore Mines represented by the Keonjhar Mines and Forest Workers Union, Barbil, Distt. Keonjhar, Orissa.

REPRESENTING EMPLOYERS :

Shri M. N. Atha, Partner, M/s. Khatau Narbheram and Co. Shri Sival J. Abhayatiyu, Mines Superintendent, Roida Iron Mines of M/s. Khatau Narbheram and Co.

REPRESENTING WORKMEN .

Shri D. Satpathy, Vice-President, Shri H. Behera, General Secretary, Shri D. Roy, Asstt. Secretary, Keonjhar Mines and Forest Workers Union.

SHORT RECITAL OF THE CASE :

1. For sometime past there have been disputes and/or differences between employer and its workmen in respect of or arising out of the first and second interim reports and the final report of the Central Wage Board for Iron Ore Mining Industry set up by the Government of India or in connection therewith.

2. By an order dated 28th December, 1967 the Government of India referred certain disputes to All India Industrial Tribunal, Jabalpur.

3. For sometime past commencing in January 1969 various negotiations were going on between the parties for settlement of the said Industrial disputes subject to the approval of the All India Industrial Tribunal, Jabalpur, and the said settlement was practically finalised in March, 1969 except for certain minor points.

4. In the circumstances all outstanding disputes between the parties in respect of or arising out of or in any way connected with the first and second interim report of the Wage Board and the final report of the Wage Board and other matters have been settled on the terms and conditions herein contained.

Now, therefore, it is hereby mutually agreed and declared by and between the parties that they have settled the aforesaid disputes on the terms and conditions hereinafter set out :—

1. The benefit of this settlement shall apply to all employees/workmen (time-rated as well as piece-rated)

whether employed or deemed to be employed by the Employer on or about the Roida Iron Mines of the Employer or worked or through Contractors appointed by it, who are in service as on 1st April 1969. But it shall not apply to the following :—

- (a) Those who are temporarily or casually engaged on civil engineering, construction work relating to buildings, roads and expansion ;
- (b) Apprentices and learners engaged for training trades or jobs of skill under the provisions of the tract.
- (c) Employees of head offices situated outside the Mining areas.

MINIMUM TOTAL EMOI LUMENTS :

The total minimum emoluments of the lowest paid unskilled workers corresponding to the All average consumer price index number 166 (1949—100) with effect from 1-1-1967 include basic wages, Dearness Allowance, cash value of foodgrains concession and Two interim wage increase as recommended by the Wage Board for Iron Ore Mining Industry.

3. CLASSIFICATION :

The Iron Ore Mines of the Company shall be grouped "I" Mines as per categorisation recommended by the Wage Board for Iron Ore Mining Industry.

4. PAY SCALE FOR WORKERS OTHER THAN CLERKS AND TEACHERS :

There should be the undermentioned 12 monthly and daily basic scales of pay for the time rated workers in the Industry other than Clerks and Teachers.

Sl. No.	Monthly Pay Scales	Nearest equivalent daily pay scales (on 26 working days basis)	Daily pay Scales converted into monthly on the basis of 26 working days	
			1	2
1.	Rs. 75.2-85	Rs. 3.00-0.08-3.40	Rs. 78.00-2.08-88.40	
2.	Rs. 80.2-90	Rs. 3.20-0.08-3.60	Rs. 83.20-2.08-93.60	
3.	Rs. 85.2-95.3-	Rs. 3.40-0.10-4.40	Rs. 88.40-2.60-114.40	
4.	110			
4.	Rs. 95.2-105.3-	Rs. 3.80-0.10-4.80	Rs. 98.80-2.60-124.80	
5.	120			
5.	Rs. 110.3-125-	Rs. 4.35-0.12-4.95-	Rs. 113.10-3.12-	
4-145		0.15-5.70	128.70-3.90-148.20	
6.	130.5-180	Rs. 5.10-0.20-7.10	Rs. 132.60-5.20-184.60	
7.	155.6-185-	Rs. 6.00-0.25-8.50	Rs. 156.00-6.50-221.00	
7-220				
8.	170.8-210-	Rs. 6.60-0.35-10.10	Rs. 171.60-9.10-262.60	
10-260				
9.	215.10-285	Rs. 8.30-0.40-10.70	Rs. 215.80-10.40-278.20	
15-330		0.50-12.70	13.00-330.20	
10.	255.10-275	Rs. 9.85-0.50-11.35	Rs. 256.10-13.00-295.10-14.30-	
15-395		0.55-15.20	395.20	
11.	325.15-475	Rs. 12.50-0.55-	Rs. 325.00-14.30-	
15-25		0.60-18.25	396.50-15.60-474.50	
12.	350.20-450	Rs. 13.50-0.80-	Rs. 351.00-20.80-	
25-575		17.50-0.90-22.00	455.00-23.40-572.00	

5. PAY SCALES OF CLERKS :

Grade	Pay Scales
III	Rs. 120-10-170-12-290
II	Rs. 190-12-250-15-400
I	Rs. 300-15-375-20-575
Semi-Clerical Grades :	Rs. 100-7-135-10-185

5A. TEACHER'S PAY SCALES:--

The minimum monthly pay scales of teachers should be Rs. 130-5-8-280. If, however, a teacher, who is employed at present is not a trained one or is a non-matriculate, he should be placed in the scale of Rs. 110-3-131-4-175-5-180.

6. DEARNESS ALLOWANCE :

The Dearness Allowance should consist of Two Parts, one of which should vary with variation in the cost of living. The dearness allowance which is a part of the total emoluments corresponding to the average All India Consumer Price Index Number 166 (1949-100) will not be reduced unless Index Number goes below 144. The other part of the dearness allowance should rise or fall depending upon the changes in the index number above 166. The following will be monthly or daily rates of Dearness Allowance.

Monthly	Daily
Upto Rs. 149/-	Rs. 55/- per month Upto Rs. 5.70—Rs. 2/- per day
Rs. 150-299/-	Rs. 60/- per month Rs. 5.71 to 11.50—Rs. 2.30 ,,
Rs. 300-399/-	Rs. 65/- per month Rs. 11.51 to 15.25—Rs. 2.50 per day
Rs. 400 and above	Rs. 70/- above per month Rs. 15.25 and above—Rs. 2.75 per day.

7. VARIABLE DEARNESS ALLOWANCE:—

(a) For every variation of 2 points in the All India Consumer Price Index number 166 (1949-100) the dearness allowance should vary at Rs. 1.50 per month for monthly rated workers and at 0.06 paise per day for daily rated workers. There shall be no adjustment for rise and fall below 2 points.

(b) In view of the practical difficulty in calculating the arrear wages and the amount entitled to on account of variable Dearness Allowance, it is mutually agreed that for the year 1967 the All India Consumers Price Index Number is taken as 204 and the year 1968 at 212, and till 31-3-69. From 1-4-69 till 30-6-69 the All India Index number is taken as 206. Subsequent to 1-7-69, there will be a revision of variable Dearness Allowance for every quarter basing the Index number of the previous quarter as the standard. The Dearness Allowance should be treated as part of the total emoluments of the employees.

PHASED INCREASE IN WAGES:—

The wages of workmen shall be phased as below:—

Daily basis wages from:—

1-1-67	1-1-68	1-1-69	1-1-70	1-1-71
Rs. 2	Rs. 2.25	Rs. 2.50	Rs. 2.75	Rs. 3.00

All workmen/employees including clerical and teaching staff etc. have been categorized having regard to their present emoluments, nature of duty, responsibility, experience, etc. as per Appendix "A".

(c) In respect of daily time rated, weekly and monthly paid workmen supplied with the foodgrains at concessional price during the period of 1-1-67 to 31-5-69, the difference in value

arrived at by deducting the value realised at concessional price, out of cost price of the foodgrains supplied to the said workmen, will be recovered from the amount of Variable Dearness Allowance payable from 1-1-67 to 31-5-69 to the above said workmen.

(d) That the daily time rated weekly and monthly paid workmen will continue to get supply of foodgrains in quantities according to the system prevailing at present and subject to Government order, to the effect, from time to time and for such supply of foodgrains, with effect from 1-6-1969, full cost (value) thereof instead of concessional price charged at present, will be charged and recovered from the wages payable to the said workmen.

8 PIFCE RATED :

(a) With effect from 1-1-67 a piece rated raising workman will be entitled to get after deduction of cash value of foodgrains already supplied, the net rate of Rs. 4.61 per 36 cft. or its equivalent in Cum. at Roida Iron Mines. These rates are inclusive of basic wage, dearness allowance and variable dearness allowance.

(b) With effect from 1-1-68 a piece rated raising workman will be entitled to get after deduction of cash value of foodgrains already supplied, the net rate of Rs. 4.96 per 36 cft. or its equivalent in Cum. at Roida Iron Mines. These rates are inclusive of basic wage, dearness allowance and variable dearness allowance and phased increments.

(c) With effect from 1-1-69 till 31-3-69 a piece rated raising workman will be entitled to get after deduction of cash value of foodgrains already supplied, the net rate of Rs. 5.21 per 36 Cft. or its equivalent in Cum. at Roida Iron Mines. These rates are inclusive of basic wage, dearness allowance and variable dearness allowance and phased increments.

(d) With effect from 1-4-69 till 30-6-69 a piece rated raising workman will be entitled to get after deduction of cash value of foodgrains already supplied, the net rate of Rs. 5.03 per 36 cft. or its equivalent in Cum. at Roida Iron Mines. These rates are inclusive of basic wage, dearness allowance and variable dearness allowance and phased increments.

(e) With effect from 1-6-1969, the directly employed piece rated workman will get supply foodgrains equal to the quantity issued and at the concessional price charged at present to such piece rated workmen employed by the contractors in Roida Iron Mines of the Management.

From 1-7-1969 the rates will be calculated every quarter basing on the variable Dearness Allowance applicable for every quarter basing the Index Number of the previous quarter as a standard applicable for arriving at the variable Dearness Allowance.

9. A minimum fall back wage shall be paid to the piece rated workers at the rate of 50 per cent (fifty per cent) of the daily wage, when they are unable to perform their norm of work, under circumstances beyond their control such as when sufficient work is not available. Normal weather difficulties shall not be considered as conditions beyond the control of the workmen.

10. Fitment into the new pay scale :

(a) Monthly rated Workers : In the case of an existing monthly rated workmen his existing total emoluments (consisting of basic pay, dearness allowance, cash value of food grains concessions, interim wage increase and other allowance if any) shall be worked out for December, 1966, or for the immediately preceding working month. If by placing at the minimum of the revised pay scale, a workman gets an immediate increase of Rs. 25 per month or more over his existing total emoluments, he would not be entitled to any increments on account of length of service and he shall be fitted at that point.

If, however, a workman gets less than 25 per month when placed at the minimum of the revised scale, he shall be entitled to one increment starting from the minimum of the revised scale, for every three years of service or part

thereof, which is not less than one year, in his present category subject to the following limitation :—

- (i) A workman will not be entitled to any increment if he has not put in one completed year's service on 1-1-1967.
- (ii) The increase on the existing total emoluments of the workman, by way of such increase, shall not exceed the maximum amount of Rs. 25 per month and in case by addition of the increments as recommended above, he gets more than Rs. 25 per month, he shall be fixed at the previous points on that scale.
- (iii) In no case shall the increase in the existing total emoluments of the workmen be less than Rs. 13 per month. If, however, after fitting the workmen in the above manner, he gets an increase of less than Rs. 13 per month over his existing total emoluments Rs. 13 per month is to be added to his existing total emoluments and if after that his wages (in the basic pay scale) are in the middle of the revised pay scale he shall be fitted at the next higher point in that scale.

(b) Daily Rated Workers :—

In the case of an existing daily rated workman, whether he is in a daily scale or not his existing total emoluments (consisting of basic pay, dearness allowance, cash value of foodgrains concession, interim wage increase and other allowance, if any), on 31st December, 1966, or the immediately preceding working day, shall be worked out. If by placing at the minimum of the revised pay scale, a workman gets an immediate increase of Re. 1 per day or more over his existing total emoluments, he will not be entitled to any increments on account of length of service and he shall be fitted at that point.

If, however, a workman gets less than Re. 1 per day when placed at the minimum of the scale, he shall be entitled to one increment starting from the minimum of the revised pay scale, for every three years of service or part thereof, which is not less than one year, in his present category subject to the following limitation :—

- (i) A workman shall not be entitled to any increment if he has not put in one completed year of service on 1-1-1967.
- (ii) The increase in the existing total emoluments of the workman, by way of such increase, shall not exceed the maximum amount of Re. 1 per day and in case by the addition of increments as agreed to, he gets more than Re. 1 per day he shall be fitted at the previous point in that scale.
- (iii) In no case, shall the increase in the existing total emoluments of a workman shall be less than Re. 0.50 per day. If, therefore, after fitting the workman in the above manner he gets an increase of less than Re. 0.50 paise per day over his existing total emoluments and if after that his wages (in the basic pay scale) are in the middle of the revised pay scale, he shall be fitted at the next higher point in the scale.

(c) By the above fitment all workmen are to be ensured a minimum increase of Rs. 13 per month of Re. 0.50 paise per day with effect from 1-1-1967 except in case whose categorisation shall entitle the workmen a higher increase in their existing total emoluments.

(d) The minimum and maximum increase of Rs. 13/- to Rs. 25 per month or Re. 0.50 to Re. 1.00 per day intended to be granted to a workman as an immediate increase in his total emoluments will be inclusive of the amount paid in excess of the 2nd interim wage increase granted by the Board and/or normal increments allowed after 1st April 1966.

(e) If by reason of fitment the pay scale of the workers exceeds the maximum of the revised scale on which he is placed, the excess amount shall be treated as personal pay which shall count for all purposes as part of basic pay and it shall be adjusted against wages increase as a result of future promotions.

(f) In the case of workmen whose wages have been phased the basic wage as phased shall be taken into account while working out the total emoluments in the revised pay scale. Such workmen shall not be entitled to the increments recommended above to gain the benefit of services. Those workmen will, of course, be entitled to a minimum increase of Rs. 13 per month or Re. 0.50 per day in their existing total emoluments.

(g) The basic pay in the revised pay scale shall be the total emoluments in the revised pay scales less the dearness allowance for the concerned category of workmen.

(h) In the case of those workmen whose pay has been fitted in the revised pay scale after allowing increments to give service benefits, the date of future annual increments shall be 1st January.

11. PERMANENCY OF WORKERS :

All persons with six months continuous service shall be given facility which are normally available to permanent workers.

12. HOLIDAY AND LEAVE FACILITIES .

- (a) 6 (six) days with full pay which includes "Republic Day" and "Independence Day".
- (b) 18 (Eighteen) days sick leave with full pay on the basis of a medical certificate from a medical practitioner as approved by the management.

13. PERIOD OF ENFORCEMENT :

For a period of 5 (five) years i.e. 1-1-1967 to 31-12-1971.

14. Save as herein expressly provided the workmen shall not have or claim any retiring benefits such as gratuity and the Employer shall not be required to set up any scheme for this purpose.

15. No claim shall be made by or on behalf of the workmen in respect of any of the reports or recommendations of the said Wage Board save to the extent herein expressly provided and any matter which is not expressly provided or on which this settlement is silent shall be deemed to be given up and need not be implemented by any of the parties. The present settlement finally resolves the disputes regarding the implementation of the Final Recommendations of the Central Wage Board for the Iron Ore Mining Industry.

16. Notwithstanding the increase in the basic wages and other remuneration payable to the workmen under this settlement with retrospective effect no increase with retrospective effect shall take place in the provident fund contribution, leave pay, Bonus, overtime and other payments which are based on the basic wages or otherwise and no claim shall be made by the workmen in respect thereof prior to the period 1st June, 1969 and whatever has been duly paid by the employer in respect of such Provident Fund, leave pay, dearness allowance etc., upto the said date in accordance with the old scales of pay shall be accepted as final and fully satisfied. The Employer will, however, be entitled to deduct and retain the Provident Fund Contribution payable by the worker for a period of one year. If this said contribution is not found payable the employer shall refund the same to the worker.

17. Both parties undertake that this settlement shall be filed before Industrial Tribunal, Jabalpur and they shall apply for an Award in accordance therewith.

Pending the final Award before the Industrial Tribunal, Jabalpur and in view of the undertaking given on behalf of the workmen the Employer shall make payment to the workmen the current wages on the basis of this settlement and the payments for the earlier periods will be made as soon as possible after this settlement has been filed with and an award has been made in accordance therewith by the All India Industrial Tribunal, Jabalpur in four equal instalments within a period of one year from the date of passing of the said award.

In witness whereof this document has been signed by or on behalf of the respective parties this 24th of May one thousand nine hundred and sixty nine

For Khatau Naibheram & Co.

Sd/-

14-5-1969

(Mines Superintendent)

For Khatau Naibheram & Co.
Sd/-

24-5-1969

(Partner)

For Keonjhar Mines & Forest Workers Union

Sd/-

24-5-1969

(Vice-President)

24-5-1969

(General Secretary)

Sd/-

24-5-1969

(Assistant Secretary)

APPENDIX "A"

Designation	Grade
1. Graduate Engineer & Permit Manager	Rs. 350-20-450-575
2. (a) Mines Foreman with competency certificate with minimum 15 years experience in mining—Gr. I	Rs. 170-8-210-10-260
(b) Mines Foreman without competency certificate with Min. 10 years mining experience—Gr. II	Rs. 85-2-95-3-110
3. (a) Mining Mate with competency certificate and experience of minimum 10 years in metalliferous mines—Gr. I	Rs. 85-2-95-3-110
(b) Mining Mate without competency certificate and minimum 5 years experience in metalliferous mines—Gr. II	Rs. 75-2-85-3-100
4. (a) Blaster with competency certificate and experience of minimum 10 years in blasting work	Rs. 85-2-95-3-100
(b) Blaster with competency certificate	Rs. 75-2-85-3-110
5. Creche Nurse qualified with 5 years experience	Rs. 75-2-85-3-110
6. Plot Supervisor/Siding In-charge	Rs. 120-10-170-12-290
7. Clerks	Rs. 120-10-170-12-290
8. DRIVERS	
(a) Drivers Tractor-cum-compressor	Rs. 85-2-95-3-110
(b) Jeep/Car/Station wagon/ Pickup Van	Rs. 75-2-85-3-100
(c) Truck Drivers : Special Grade	Rs. 170-8-210-10-260
(d) Truck Driver— Gr. I	Rs. 110-3-125-4-145
Gr. II	Rs. 95-2-105-3-120
Gr. III	Rs. 85-2-105-3-110

DAILY RATED WORKERS : Category I

9. Creche maid servant/Carpenter/ Compressor helper/Khalashi/ Challan mate/Munshis/Blasting helper/Driller/Fitters/ Short Firers/Time keepers/Blacksmith	Rs. 2.20-0.25-3.20
10. Mazdoor/Kamin/Water carrier/ Paniwala/Sweeper/Sweepress/ Carpenter Helper/Blaster helper/ Khalasi/Chainman/Security Guard/Chowkidar/Explosive Carrier/ Peon/Runner and others	Rs. 2.00-0.25-3.00

S.N. JOHRI Presiding Officer,
[F. No. 37/22/67-LR. I/D. III. B]

S.O. 1257.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal cum-Labour Court, Jabalpur, in the industrial dispute between the employers in relation to the management of M/s. Orissa Minerals Development Company Limited, Nalda, Barbil and their workmen

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL— CUM-LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/LC(R)(1) of 1968

Case No. CGIT/LC(R)(12) of 1978

PARTIES :

Employers in relation to M/s. Orissa Minerals Development Company Limited, Nalda, Barbil and their workmen represented by Barbil Workers Union, P.O. Barbil, Dist. Keonjhar (Orissa).

APPEARANCES :

For Employers—Shri S. Dayal, Senior Personnel Officer.

For Workmen—Shri S. Das Gupta, President of the Union.

INDUSTRY : Iron Ore

DISTRICT : Keonjhar (Orissa)

AWARD

Dated, the 28th February, 1978

This is a reference made by the Government of India in the Ministry of Labour vide its order No. F. No. 37/22/67/LR dated 28-12-1967, of the industrial dispute mentioned in Schedule II below relating to the workmen employed in the iron ore mines of the proprietors mentioned in Schedule I below in Keonjhar district for implementation of the recommendations of the Central Wage Board for the Iron Ore Mining Industry.

SCHEDULE-I

- M/s. S. Lal & Co. (P) Ltd., Barbil.
- M/s. B. Putnaik Mines (P) Ltd., Sarenda, Barbil.
- M/s. Hindustan General Electrical Corporation (P) Ltd., Barbil.
- M/s. B. N. Sarenda, Mine Owner, Murgabera Iron Ore Mines, Chaibasa.
- M/s. K. N. Ram & Co., Roida Iron Mine, Barbil.
- M/s. K. N. Ram & Co., Roida Manganese Mine, Barbil.
- M/s. M. L. Rungta & Co., Mine Owner, Chaibasa.
- M/s. L. N. Bhanji Deo, Inganjiharan Iron & Manganese Mine, Inganjiharan.
- M/s. M. S. Dev, Inganjiharan Manganese Mine P.O. Barbil.
- M/s. Sabita Roy, I.T.O., Jolhari Iron & Manganese Mine, Jolang.
- M/s. N. G. Rehman, Guwali Iron Mine, Guwali.
- M/s. N. H. Fegrade, Naishi Iron Mine, Barbil.
- M/s. Orissa Minerals Development Co. Ltd., Nalda, Barbil.
- M/s. Mining and Transporting Co., Barbil.

SCHEDULE-II

"Whether the demands of the workmen employed in the Iron Ore Mines of the management whose names, are specified in Schedule I for implementation of the recommendations of the Central Wage Board for the Iron Ore Mining Industry are justified? If so, to what relief are they entitled and from what date?"

2. M/s. Orissa Minerals Development Co. Ltd., Party No. 13, had already settled the dispute amicably and the settlement dated 2-9-1967 which has been filed before this Tribunal was arrived at in presence of the Regional Labour Commissioner (C) Asansol who has appended his signatures at the end. That settlement was in force when the alleged dispute was raised by the Keonjhar Mines and Forest Workers Union as is evident from their charter of demands. However, a settlement duly arrived at has a binding force on all workers and unions vide Sec. 10 of the I.D. Act. Unless that settlement is set aside by a proper notice no dispute could be raised. In view of the situation the reference with respect to this party appears to be invalid. Government of India had no jurisdiction to make such a reference till the settlement was subsisting. Award is given accordingly.

[I.R. No. 37/22/67-I.R.I/D.III.B.]

S. N. JOHARI, Presiding Officer

28-2-1978

S.O 1258.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal-cum-Labour Court, New Delhi, in the industrial Dispute between the employers in relation to the management of M/s. Dalmia Dadri Cement Ltd., Charkhi Dadri and their workmen, which was received by the Central Government on the 1-4-1978.

BEFORE SHRI MAHESH CHANDRA, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, NEW DELHI

I.D. No. 32 of 1977

BETWEEN

Sheo Narain

Workman/Petitioner

Versus

Dalmia Dadri Cement Ltd.

Charkhi Dadri.

Management/Respondent.

PRESENT :

Shri Bhim, President of the Union.

Shri O. P. Gupta, Authorised Representative, DDC.

AWARD

The Central Govt. as appropriate Govt. vide its order No. I-29011/106/75-D.O. III/B dated the 21st October, 1975 referred an Industrial Dispute u/s 10 of the Industrial Dispute Act, 1947 to Industrial Tribunal, Faridabad in the following terms :

"Whether the action of the Management of M/s. Dalmia Dadri Cement Limited, Charkhi Dadri in extending the probation of Shri Sheo Narain, clerk from time to time and in terminating his services w.e.f. 11th February, 1975 is bona fide, justified and legal. If not, to what relief is the said workman entitled ?

2. On receipt of this reference, this reference was registered and usual notices were sent to the respective parties. The statement of claim was filed by the workman and written-statement was also filed by the Management. In pursuance thereof following issues were framed by Shri O. P. Sharma, Central Industrial Tribunal, Faridabad :

1. Whether the reference in respect of the legality and justification of extension of the probation of the workmen is valid and legal ?
2. If not, whether the reference in respect of the legality or illegality of termination of the services of the workman w.e.f. 11-2-1975, is in separable from the reference relating to the illegality of extension of the probation period ?
3. Whether the termination of the services of the work-

men amounts to retrenchment ? If yes, to what effect ?

4. Whether the action of the management of M/s Dalmia Dadri Cement Limited, Charkhi Dadri in extending the probation of Shri Sheo Narain from time to time and in terminating his services w.e.f. the 11th February, 1975 is bona fide, justified and legal ? If not, to what relief is the said workman entitled ?

3. Issues Nos. 1, 2 and 3 were treated as preliminary issues by that Tribunal and fixed 12-2-1976 for arguments on these issues while evidence called on issue No. 4. But before any further action could be taken by the Industrial Tribunal, Faridabad the case was transferred to this Tribunal and after it was registered notices were issued to the respective parties and the case was fixed for evidence of the parties. The parties did not lead any oral evidence rather Shri Bhim Sain and Shri S. N. Bhandari, representatives of the respective workman and the Management stated that 'parties do not propose to lead any oral evidence. The documents placed on record by respective parties be exhibited and read into evidence and the case be fixed for arguments.' In consequence these documents were exhibited as Ex. W-1 to Ex. W-10 and M-1 to Ext. M-6 and the case was adjourned for arguments. Before arguments were heard the parties appeared and filed a compromise and after going through the compromise and settlement I have come to the conclusion that the compromise is in the interest of the workman and therefore it was ordered to be recorded. Accordingly statement of representative of workman, Shri Bhim Sain and the representative of the Management Shri O. P. Gupta were recorded vide my order dated 9th February, 1978. They have stated that the parties have arrived at a settlement. The settlement is Ex. S/1. It bears our signatures. The settlement has been signed on behalf of the D.D.C. by Shri S. C. Vasishtha. An award may be made in terms of the settlement Ex. S/1. This settlement bears the signatures of Shri Bhim Sain and Shri O. P. Gupta as well. Accordingly an award in terms of settlement Ex. S/1 is made. The parties shall be bound by the settlement Ex. S/1 which shall form part of this award. The terms of settlement would thus deemed to be incorporated in this award and the award in terms of settlement Ex. S/1 is made.

MAHESH CHANDRA, Presiding Officer

Dated : 13th February, 1978

MEMORANDUM OF SETTLEMENT UNDER SECTION 18(1) OF THE INDUSTRIAL DISPUTES ACT, 1947 BETWEEN THE MANAGEMENT OF DALMIA DADRI CEMENT LTD. CHARKHI DADRI AND SHRI SHEO NARAIN, CLERK :

Representing Employer.—Shri S. D. Vashishtha, Secretary & Quarry Agent (under Mines Act.)

Representing Workman.—Shri Sheo Narain—Workman concerned.

SHORT RECITAL OF THE CASE :

Whereas Shri Sheo Narain was employed as Clerk on probation, the management terminated his services. He raised an Industrial Dispute which was referred for adjudication to the Central Government Industrial Tribunal for adjudication. Industrial dispute is still pending as REF. No. 32 of 1977. The management and workman Shri Sheo Narain had negotiations in the matter of dispute under reference and adjudication.

Subject to & without prejudice to the contentions of the parties, taken in relation to the above dispute, they have arrived at an amicable Settlement.

TERMS OF SETTLEMENT :

1. Management has agreed to re-appoint Shri Sheo Narain as a Clerk, w.e.f. December 1, 1977 on permanent basis. However, for the purpose of computing the benefit of Gratuity, February 15, 1975 will be treated and reckoned as the date. As agreed, Shri Sheo Narain will be paid and placed in the minimum step of the 1st Grade of his category as per recommendations of Cement Wage Board.
2. Shri Sheo Narain has agreed not to raise any dispute involving financial repercussions for the period he remained un-employed.

3. It has also been agreed that excepting paras 1 to 4 of the letter of appointment dated 24-7-1973, other terms and conditions of service will remain unchanged. Age of retirement agreed will be 58 years. However, this age will be extendable for 2 years i.e. upto 60 years and that too only when the workman remains physically and mentally fit for work.
4. Both the parties agree to file a copy of the Settlement before the Tribunal & to request him for rendering the Award in terms of Settlement.
5. After the Award, the parties agree to withdraw the Writ Petition pending in the High Court of States for Punjab & Haryana at Chandigarh in this respect.
6. As a gesture of goodwill the management agrees to pay to Shri Sheo Narain three months wages from Sept. 1977 to November, 1977.

Signed this 3rd day of Feb. 1978 at Charkhi Dadri in token of having accepted the terms and conditions of this agreement as binding on the parties.

Signature of workman concerned

Sd/-
(Sheo Narain)

Clerk

Signature of Management Representative

Sd/-

(S. D. Vashishtha)

Secretary & Quarry Agent of
M/s. Dalmia Dadri Cement Ltd.

Witnesses : ...

1. Sd/- Kulwant Singh
2. Sd/- Bhim Sain
3. Sd/- O. P. Gupta.

[No. 29011/106/76-D. III B.]

S.O. 1259.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal-cum-Labour Court, New Delhi, in the industrial dispute between the employers in relation to the management of M/s. Dalmia Dadri Cement Ltd., Charkhi Dadri and their workmen, which was received by the Central Government on the 1-4-78.

BEFORE SHRI MAHESH CHANDRA, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, NEW DELHI

I.D. No. 29 of 1977

BETWEEN

Shri Arjan Singh

Workman/Petitioner

Versus

Dalmia Dadri Cement Ltd.,

Charkhi Dadri

Management/Respondent.

PRESENT :

Shri Bhim Sain, President of the Union;

Shri O. P. Gupta, Authorised Representative, DDC.

AWARD

The Central Govt. as appropriate Govt. vide its order No. L-29012/28/74-LRIV, dated the 26th January, 1975 referred an Industrial Dispute under Section 10 of the Industrial Dispute Act, 1947 to Industrial Tribunal, Faridabad in the following terms :

"Whether the action of the Management of M/s. Dalmia Dadri Cement Ltd., Charkhi Dadri in extending the

probation of Shri Arjun Singh, Mining Mate-cum-Chowkidar twice and in terminating the service w.e.f. the 24th August 1974 is bonafide justified and legal ? If not, to what relief is the workman entitled ?

2. On receipt of the reference this was registered and usual notices were sent to the respective parties. The statement of claim was filed by the workman and written statement was also filed by the Management. In pursuance thereof following issues were framed by Shri O. P. Sharma, Central Industrial Tribunal, Faridabad :

1. Whether the present reference is bad in law for reasons given in the preliminary objection 'A' of the written statement ? (on Management).

2. Whether the demand the subject matter of the present reference was first raised on the management and rejected by it before taking up the matter for conciliation ? If not, with what effect ? (on workmen).

3. Whether the action of the Management of M/s. Dalmia Dadri Cement Limited, Charkhi Dadri in extending the probation of Shri Arjun Singh, Mining-Mate-cum-Chowkidar twice and in terminating his service w.e.f. 24th August, 1974, is bonafide, justifide and legal ? If not, to what relief is the workman entitled ?

3. Issue No. 1 was disposed of vide order dated 11-4-1975 and the case was fixed for determination of remaining issues. Before any further action could be taken by the Industrial Tribunal, Faridabad the case was transferred to this Tribunal and after it was registered notices were issued to the respective parties and the case was fixed for evidence of the parties. The parties did not lead any oral evidence rather Shri Bhim Sain and Shri S. N. Bhandari, representatives of respective workman and the Management stated that 'parties do not propose to lead any oral evidence. The documents placed on record by respective parties be exhibited and read into evidence and the case be fixed for arguments'. In consequence these documents were exhibited as Ex. W-1 to Ex. W-10 and M-1 to M-5 and the case was adjourned for arguments. Before arguments were heard the parties appeared and filed a compromise and after going through the compromise and settlement I have come to the conclusion that the compromise and settlement I have come to the conclusion that the compromise is in the interest of the workman and therefore it was ordered to be recorded. Accordingly statement of workman Shri Arjun Singh his representative Shri Bhim Sain and the representative of the Management Shri O. P. Gupta were recorded vide my order dated 9th February, 1978. They have stated that the parties have arrived at a settlement. The settlement is Ex. S/1. It bears our signatures. The settlement has been signed on behalf of the D.D.C. by Shri S. C. Vasishtha. An award may be made in terms of the settlement Ex S/1'. This settlement bears the signatures of Shri Bhim Sain and Shri O. P. Gupta as well. Accordingly an award in terms of settlement Ex. S/1 is made. The parties shall be bound by the settlement Ex. S/1 which shall form part of this award. The terms of settlement would thus deemed to be incorporated in this award and the award in terms of settlement Ex S/1 is made.

MAHESH CHANDRA, Presiding Officer

Dated : 13th February, 1978.

MEMORANDUM OF SETTLEMENT UNDER SECTION 18(1) OF THE INDUSTRIAL DISPUTES ACT, 1947 BETWEEN THE MANAGEMENT OF DALMIA DADRI CEMENT LTD., CHARKHI DADRI AND SHRI ARJUN SINGH MINING MATE

Representing Employer.—Shri S. D. Vashishtha, Secretary & Quarry Agent (Under Mines Act);

Representing Workman.—Shri Arjun Singh—Workman Concerned.

SHORT RECITAL OF THE CASE :

Whereas Shri Arjun Singh was employed as Mining Mate on probation, the management terminated his services. He raised an Industrial Dispute which was referred for adjudication to the Central Govt. Industrial Tribunal for adjudication.

Industrial dispute is still pending as Ref. No. 29 of 1977. The management and workman Shri Arjun Singh had negotiations in the matter of dispute under reference and adjudication.

Subject to and without prejudice to the contentions of the parties, taken in relation to the above dispute, they have arrived at an amicable settlement.

TERMS OF SETTLEMENT :

1. Management has agreed to re-appoint Shri Arjun Singh as a Mining Mate w.e.f. December 1, 1977 on permanent basis. However, for the purpose of competing the benefit of Gratuity, 3rd September 1974 will be treated and reckoned as the date. As agreed, Shri Arjun Singh will be paid and placed in the minimum step of the 'B' grade of his category as per recommendations of Cement Wage Board.
2. Shri Arjun Singh has agreed not to raise any dispute involving financial repercussions for the period he remained un-employed.
3. It has also been agreed that excepting paras 1 to 4 of the letter of appointment dated 24-7-1973, other terms and conditions of service will remain unchanged. Age of retirement agreed will be 58 years. However, this age will be extendable for 2 years i.e. upto 60 years and that too only when the workman remains physically and mentally fit for work.
4. Both the parties agree to file a copy of the Settlement before the Tribunal and to request him for rendering the Award in terms of settlement.
5. As a gesture of goodwill the management agrees to pay Rs. 450 to the workman concerned. Signed this 3rd day of February, 1978 at Charkhi Dadri in token of having accepted the terms and conditions of this agreement as binding on the parties.

Signature of workman concerned

Sd/-

(Arjun Singh)

Mining Mate

Signature of Management Representative

Sd/-

(S. D. Vashishta)

Secretary & Quarry Agent of
M/s. Dalmia Dadri Cement Ltd.

Witnesses :

Sd/- Bhim Sain

Sd/- C. K. Agarwal

[No. L-29012/28/74-LR. IV/D. II. (B)]

S.O. 1260.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal-cum-Labour Court, New Delhi in the industrial dispute between the employers in relation to the management of M/s. Dalmia Dadri Cement Ltd., Charkhi Dadri and their workmen which was received by the Central Government on the 1-4-78.

BEFORE SHRI MAHESH CHANDRA, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, NEW DELHI

I.D. No. 33 of 1977

BETWEEN

Roop Chand etc.

... Workmen

AND

M/s. Dalmia Dadri Cement Ltd.,
Charkhi Dadri.

... Respondent,

60 GI/78—7

PRESENT :

Shri Bhim Sain, President of the Union.

Shri O. P. Gupta, Authorised Representative, DDC.

AWARD

The Central Govt. as appropriate Govt. vide its order No. L. 29011/(56)/73-LR. IV dated the 22nd November, 1973 referred an Industrial Dispute u/s 10 of the Industrial Disputes Act, 1947 to Industrial Tribunal, Faridabad in the following terms:

"Whether the action of the management of Dalmia Dadri Cement Limited, Charkhi Dadri and Shri Ram Chander and Shri Subhash Chand, Kankar Transport Loading Contractors in Dudiwala Quarry in terminating the services of the following 6 workmen in Dudiwala Quarry is justified and if not, to what relief are these workmen entitled ?

1. Shri Roop Chand s/o Jhabdu
2. Shri Ram Phal s/o Roop Chand
3. Shri Dewan s/o Roop Chand
4. Shri Pat Ram s/o Redu
5. Shri Hari Ram s/o Pahlad
6. Shri Chandu s/o Kewal

2. On receipt of this reference this reference was registered and usual notices were sent to the respective parties. The statement of claim was filed by the workmen and written statement was also filed by the Management. In pursuance thereof following issues were framed by Shri O. P. Sharma, Central Industrial Tribunal, Faridabad :

1. Whether the relationship of master and servant existed between the parties ? If so, between whom ? (on workmen).
2. Whether the action of the management of Dalmia Dadri Cement Limited Charkhi Dadri and Shri Ram Chander and Shri Subhash Chand, Kankar Transport Loading Contractor in Dudiwala Quarry in terminating the services of the following 6 workmen in Dudiwala Quarry is justified and if not, to what relief are these workmen entitled ?
3. Shri Roop Chand s/o Jhabdu
4. Shri Ram Phal s/o Roop Chand
5. Shri Dewan s/o Roop Chand
6. Shri Pat Ram s/o Redu
7. Shri Hari Ram s/o Pahlad
8. Shri Chandu s/o Kewal.

3. Before any further action could be taken by the Industrial Tribunal, Faridabad the case was transferred to this Tribunal and after it was registered notices were issued to the respective parties and the case was fixed for evidence of the parties. The parties did not lead any oral evidence rather Shri Bhim Sain and Shri S. N. Bhandari, representatives of respective workmen and the Management stated that the documents on record by respective parties be exhibited and read into evidence and the case be fixed for arguments. In consequence this case was adjourned for arguments. Before arguments were heard the parties appeared and filed a compromise and after going through the compromise and settlement I have come to the conclusion that the compromise is in the interest of the workmen and therefore it was ordered to be recorded. Accordingly statement of Shri Bhim Sain, representative of the workmen and the representative of the Management Shri O. P. Gupta were recorded vide my order dated 9th February, 1978. They have stated that the parties have arrived at a settlement. The settlement is Ex. S/1. It bears our signatures. The settlement Ex. S/1. This settlement bears the signatures S. C. Vasishta. An award may be made in terms of the settlement Ex. S/1. This settlement bears the signatures of Shri Bhim Sain and Shri O. P. Gupta as well. Accordingly an award in terms of settlement Ex. S/1 is made. The parties shall be bound by the settlement Ex. S/1 which shall form part of this award. The terms of settlement would

thus deem to be incorporated in the award and the award in terms of settlement Ex. S/1 is made.

MAHESII CHANDRA, Presiding Officer

Dated : 14th February, 1978.

MEMORANDUM OF SETTLEMENT U/S 18(1) OF THE INDUSTRIAL DISPUTES ACT, 1947 BETWEEN THE MANAGEMENT OF M/S. DALMIA DADRI CEMENT LTD., CHARKHI DADRI AND DALMIA DADRI CEMENT FACTORY MEN'S UNION, ON BEHALF OF S/SRI ROOP CHAND, RAM PHAL, DEWAN, PAT RAM, HARI RAM AND CHANDU.

NAME OF THE PARTIES :

Representing Employer.—Shri S. D. Vashishtha, Secretary and Quarry Agent (Under Mines Act).

Representing Workmen.—1. Shri Bhim Sain Prabhakar, President.

2. Shri Bhagmal, General Secretary Dalmia Dadri Cement Factory Men's Union Charkhi Dadri.

SHORT RECITAL OF THE CASE :

The Central Govt. vide order No. L-29011(56)/73-LB. IV dated 22-11-1973 referred an Industrial Dispute regarding the above persons for adjudication to the Central Govt. Industrial Tribunal, which is pending before it as Ref. No. 33 of 1977. The parties had negotiation in the matter of dispute under Reference and adjudication.

Subject to and without prejudice to the contentions of the parties taken in relation to the above dispute, they have arrived at an amicable settlement.

TERMS OF SETTLEMENT :

1. The management as a gesture of goodwill, agree to pay to each of the above persons Rs. 750 as a lump-sum per head.
2. The union representatives on behalf of the above six persons agree to accept the above amount and not to raise any dispute or claim any amount or benefit before any authority or Court whatsoever in this respect.
3. In view of this settlement the representatives of these six persons agree to withdraw the dispute pending before the Central Govt. Industrial Tribunal under Ref. No. 33 of 1977 having been settled.
4. Both the parties agree to file a copy of this settlement before the Presiding Officer, Central Govt. Industrial Tribunal, New Delhi, praying him to render the Award in terms of this Settlement in Ref. No. 33 of 1977.
5. Payment as per Clause No. 1 above will be made to these persons after rendering the Award by the Presiding Officer, Central Govt. Industrial Tribunal, New Delhi, in this respect.

Signed this 4th day of February 1978 at Charkhi Dadri in token of having accepted the terms and conditions of this agreement as binding on the parties.

**Signature of Representatives
of Workmen**

1. Sd/-

(Bhim Sain Prabhakar)

Secretary & Quarry Agent of
M/s. Dalmia Dadri Cement Limited.

**Signature of
Management Representative**

Sd/-

(S. D. Vashishtha)

2. Sd/-

(Bhag Mal)

General Secretary

Dalmia Dadri Cement Factory Men's Union.

Witnesses :

1. Sd/- Kulwant Singh

2. Sd/- C. K. Agarwal.

[No. L-29011/56/73-LR. IV/D. III. B]

S.O. 1261.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following Award of the Central Government Industrial Tribunal-cum-Labour Court, New Delhi in the industrial dispute between the employers in relation to the management of M/s. Dalmia Dadri Cement Ltd., Charkhi Dadri and their workmen which was received by the Central Government on the 1-4-78.

BEFORE SHRI MAHESH CHANDRA, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, NEW DELHI

I. D. No. 36 of 1977

IN RE :

Shri Kamal Singh

... Workman/Petitioner

Versus

Dalmia Dadri Cement Ltd.,

Charkhi Dadri, . . Management/Respondent

PRESENT :

Shri Bhim Sain—President of the Union.

Shri O. P. Gupta—Authorised Representative, DDC.

AWARD

The Central Govt. as appropriate Govt. vide its order No. L-29012/29/74-LR. IV dated the 12th February, 1975 referred an Industrial Tribunal under Section 10 of the Industrial Disputes Act, 1947 to Industrial Tribunal, Faridabad in the following terms :

"Whether the action of the Management of M/s. Dalmia Dadri Cement Ltd., Charkhi Dadri in extending the probation of Shri Kamal Singh, Loading Mate twice and in terminating his services w.e.f. the 24th August, 1974 is justified ? If not, to what relief is the workman entitled ?

2. On receipt of this reference this reference was registered and usual notices were sent to the respective parties. The statement of claim was filed by the workman and written statement was also filed by the Management. In pursuance thereof following issues were framed by Shri P. Sharma, Central Industrial Tribunal, Faridabad :

1. Whether the present reference is at variance with the demand notice dated 3-9-1974 and, therefore, had in law (on management) ?
2. Whether the present reference is bad in law for reasons given in the preliminary objection 'A' of the written statement ? (on management).
3. Whether the demand the subject matter of the present reference was first raised on the management and rejected by it before taking up the matter

for conciliation ? If not, with what effect ? (on workmen).

4. Whether the action of the management of M/s. Dalmia Dadri Cement Ltd., Charkhi Dadri in extending the probation of Shri Kamal Singh, Loading Mate twice and in terminating his services with effect from the 24th August, 1974 is justified ? If not, to what relief is the workman entitled ?

3. Issue No. 2 was disposed of vide order dated 11-4-1975 and the case was fixed for determination of remaining issues. Before any further action could be taken by the Industrial Tribunal, Faridabad the case was transferred to this Tribunal and after it was registered notices were issued to the respective parties and the case was fixed for evidence of the parties. The parties did not lead any oral evidence rather Shri Bhim Sain and Shri S. N. Bhandari, representatives of respective workman and the Management stated that 'parties do not propose to lead any oral evidence. The documents placed on record by respective parties be exhibited and read into evidence and the case be fixed for arguments'. In consequence these documents were exhibited as Ex. W-1 to Ex. W-10 and M-1 to Ex. M-5 and the case was adjourned for arguments. Before arguments were heard the parties appeared and filed a compromise and after going through the compromise and settlement I have come to the conclusion that the compromise is in the interest of the workman and therefore it was ordered to be recorded. Accordingly statement of workman Shri Kamal Singh, his representative Shri Bhim Sain and the representative of the Management Shri O. P. Gupta were recorded vide my order dated 9th February, 1978. They have stated that 'the parties have arrived at a settlement. The settlement is Ex. S/1. It bears our signatures. The settlement has been signed on behalf of the D.D.C. by Shri S. C. Vasishta. An award may be made in terms of the settlement Ex. S/1'. This settlement bears the signatures of Shri Bhim Sain and Shri O. P. Gupta as well. Accordingly an award in terms of settlement Ex. S/1 is made. The parties shall be bound by the settlement Ex. S/1 which shall form part of this award. The terms of settlement would thus deemed to be incorporated in this award and the award in terms of settlement Ex. S/1 is made.

Dated : 13th February, 1978.

MAHESH CHANDRA, Presiding Officer

MEMORANDUM OF SETTLEMENT UNDER SECTION 18(1) OF THE INDUSTRIAL DISPUTES ACT, 1947 BETWEEN THE MANAGEMENT OF DALMIA DADRI CEMENT LTD: CHARKHI DADRI AND SHRI KAMAL SINGH, LOADING MATE

Representing Employer.—Shri S. D. Vashishtha, Secretary & Quarry Agent (Under Mines Act).

Representing Workman.—Shri Kamal Singh, Workman concerned.

SHORT RECITAL OF THE CASE :

Whereas Shri Kamal Singh was employed as Loading Mate on probation, the management terminated his services. He raised an Industrial Dispute which was referred for adjudication to the Central Government Industrial Tribunal for adjudication. Industrial dispute is still pending as REF. No. 26 of 1977. The management and workman Shri Kamal Singh had negotiations in the matter of dispute under reference and adjudication.

Subject to & without prejudice to the contentions of the parties, taken in relation to the above dispute, they have arrived at an amicable Settlement.

TERMS OF SETTLEMENT :

- Management has agreed to re-appoint Shri Kamal Singh as a Loading Mate w.e.f. December 1, 1977 on permanent basis. However, for the purpose of computing the benefit of Gratuity, 31st September 1974 will be treated and reckoned as date. As agreed, Shri Kamal Singh will be paid and placed in the minimum of the 'D' Grade of his category as per recommendations of Cement Wage Board.

- Shri Kamal Singh has agreed not to raise any dispute involving financial repercussions for the period he remained unemployed.
- It has also been agreed that excepting paras 1 to 4 of the letter of appointment dated 24-7-1973, other terms and conditions of service will remain unchanged. Age of retirement agreed will be 58 years. However, this age will be extendable for 2 years i.e. upto 60 years and that too only when the workman remains physically and mentally fit for work.
- Both the parties agreed to file a copy of the Settlement before the Tribunal & to request him for rendering the Award in terms of Settlement.
- As a gesture of goodwill the management agrees to pay Rs. 450 to the workman concerned.

Signed this 3rd day of February, 1978 at Charkhi Dadri in token of having accepted the terms and conditions of this agreement as binding on the parties.

SIGNATURE OF WORKMAN

Concerned :

SIGNATURE OF MANAGEMENT
REPRESENTATIVE

Sd/-

(KAMAL SINGH)

Loading Mate

Sd/-

(S. D. VASHISHTHA)

Secretary & Quarry Agent of
M/s. Dalmia Dadri Cement Ltd.

WITNESSES :

Sd/- Kulwant Singh

Sd/- C. K. Agarwal

Sd/- Bhim Sain

[No. L-29012/29/74-LR. IV/D. III.B]

JAGDISH PRASAD, Under Secy.

New Delhi, the 6th April, 1978

S.O. 1262.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur, in the industrial dispute between the employers in relation to the management of Korea Colliery of Western Coalfields Limited, District Surguja and their workmen, which was received by the Central Government on the 4th April, 1978.

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
CUM-LABOUR COURT, JABALPUR (M.P.)
Case No. CGIT/LC(R)(23)/1977**

PARTIES :

Employers in relation to the management of Korea Colliery of Western Coalfields Limited, District Surguja (M. P.) and their workmen represented through the Surguja Coal Workers' Union (AITUC), P. O. Korea Colliery, District Surguja (M. P.).

APPEARANCES :

For Union.—Shri P. K. Thakur, Advocate.

For Management.—Shri P. S. Nair, Advocate.

INDUSTRY : Coal Mines DISTRICT : Surguja (M. P.)

Dated March 23rd, 1978

AWARD

This is a reference made by the Government of India in the Ministry of Labour vide its Order No. L-22012(6)/77-D-JV(B) dated 24th November, 1977 for the adjudication of the following industrial dispute by this Tribunal :

"Whether the action of the management of Korea Colliery of Western Coalfields Limited, District

Surguja in reverting Shri Kamla Pandey, Mining Sirdar Gr. I to Mining Sirdar Gr. II vide letter No. KR/CMA/Disc-Action/6825-30 dated 8-10-75 is justified ? If not, to what relief is the concerned workman entitled ?

2. It is not disputed that Shri Kamla Pandey and others were charge-sheeted on various grounds for the incidents of 2nd May, 1975 and 7th May of that year. A common domestic enquiry was held by Shri B. P. Sinha, Senior Personal Officer of the Colliery. He examined witnesses on either side and reported that the delinquents were guilty on certain counts, not on others. The report was accepted by the disciplinary authority and the delinquents were punished.

3. Charge No. 2 was framed against Shri Kamla Pandey as follows. (He was not found guilty of Charge No. 1 relating to the incident of 2nd May, 1975 hence that is not relevant).

Charge No. 2

"That again on 7-5-75 you along with Sri Amol Mukherjee Elec. Fitter led a mob of about 100 persons to the office of the A.L.W.C., Korca at about 2-30 a.m. kept him confined upto about 3-00 p.m. and did not allow him to move out of his office. On being advised by Sri A. S. Desai, A.L.W.O. to talk properly you started thumping on his table, incited the other persons to violence, threatened him with dire consequences and also abused him in the following language :

1. Labour Officer Ko Maro.
2. Labour Officer Safa Chor Hai.
3. Labour Officer Ka Khun Pilo.

The Enquiry Officer reported that the last part of this charge, i.e. raising of the aforesaid abusive slogans, by the delinquent himself was not established by the evidence while the rest of the allegations in the charge were proved either by direct or by circumstantial evidence. The disciplinary authority accepted the report and awarded the punishment of demoting Shri Kamla Pandey from Mining Sirdar Gr. I to Mining Sirdar Gr. II.

4. The question of regularity of enquiry proceedings i.e. adhering to proper procedure, and the question of affording of proper opportunity to the delinquent to defend himself, were decided in affirmative in reference no. 12 of 1977 relating to the other delinquent, Sri Amol Mukherjee, who was tried in the same proceedings along with Shri Kamla Pandey. Learned Counsel for the Union accepted that finding of this Tribunal with respect to this reference as well and conceded that the enquiry was proper and Shri Kamla Pandey had been given proper opportunity to defend himself during the course of domestic enquiry.

5. However, the case of the Union is that the findings of the Enquiry Officer were perverse and the punishment awarded was wholly disproportionate to the guilt proved.

6. The management denied that Shri Kamla Pandey was a workman and alleged that because of that fact no industrial dispute ever came into existence and also because neither the Union nor the workman concerned ever raised the dispute directly with the management. In the absence of an industrial dispute the reference is alleged to be bad and this Tribunal has no jurisdiction to deal with it. The allegation of perversity of the findings and disproportionate nature of punishment have also been denied.

7. The failure report Ex. W/1 clearly mentions in the last but one paragraph that :—

"The process of demand and refusal was found to be complete before the union approached this office for necessary action."

Ex. W/2 is the copy of the letter of demand dated 2-12-1976 sent by the President of the Union to the Area General Manager. Even in the conciliation proceedings in which the management participated without raising such an objection, the demand of the Union was opposed hence it cannot now be

paid that had the dispute been raised earlier the management would have conceded. The existence of the industrial dispute is obvious from the fact that even before the Conciliation Officer the demand was not conceded by the management. In any case active participation of the management in conciliation proceedings without raising any such objection and even then not conceding the demand not only created it or established the existence of the same but also estopped the management from raising such a plea before this Tribunal at this late stage. The plea so raised against the validity of reference on this count has thus no legs to stand.

8. The second legal objection against the validity of reference is that Shri Kamla Pandey, Mining Sirdar Grade I was working in supervisory capacity and was admittedly drawing more than Rs. 500/- as his monthly emoluments, hence he was not a workman within the meaning of Sec. 2(s) of the Industrial Disputes Act, Section 2(k) of the Act defines 'industrial dispute' and says that it should be a dispute between the management and the workmen. The argument is that when Shri Kamla Pandey was not a workman there could be no industrial dispute and in its turn there could be no valid reference. In answer to this plea learned Counsel for the Union has argued that Mining Sirdars have been declared to be manual workers by the Majumdar Award.

9. The duties enumerated in Majumdar Award on pages 151 and 152 are the same as have been stated by the workman, Shri Kamla Pandey, when he appeared before this Tribunal. Broadly speaking Mining Sirdar taps the roof, cleans the drains, looks after proper erection of props where necessary and ensures proper maintenance of safety conditions. For that purpose he has to reconnoitre the whole area which is under his charge. Thus he has to see, he has to supervise, he has to test and he has to reconnoitre; he has not to do anything himself. He has only to direct and get things done i.e. he has to get props erected, drain cleared, roof properly dressed and has to ensure safe working conditions. Tapping of the roof for detecting the latent dangerous spots, reconnoitering the area incharge for effective supervision and walking on foot underground for that purpose are not sufficient to make him a manual worker. If walking is held to be the criteria then all managers and other supervisory officers will have to be classified as manual workmen specially when they go underground. Whatever manual work of walking or tapping is attributed to him is not capable of producing anything for which the industry is running. Mining Sirdar is trained for safety supervision. It is the duty of the workmen to maintain safety conditions while working in the mine. Mining Sirdar has only to check and see that no workman violates safety regulations. He has no such duties to perform as may bring him in the category of manual worker. I am, therefore, not inclined to agree with the aforesaid conclusion of Shri Majumdar given in para 563 at page 152 of the award that Mining Sirdars are technical manual workers. In my opinion they are supervisory officers and they have been rightly so described in Bye-laws 56.

10. In the Report of the Central Wage Board for Coal Mining Industry while describing the scope of enquiry under Chapt. IV the terms of reference were reproduced and they show that the job of categorising the employees was entrusted to the Wage Board. The term 'employees' is wider than the term 'workmen'. It is on that account that in Chapt. VII of Sec. E the wage structure for technical and supervisory staff was determined and it is under this heading that the wage structure of Mining Sirdars was determined by the Board. It is thus evident that the Wage Board was of the opinion that Mining Sirdars fell under the category of supervisory staff.

11. The fact that they are technically trained, and it is essential for them to pass Mining Sirdar Certificate Examination, is no ground for treating them as technical personnel. That technical qualification is essential for exercising proper supervision. There is a distinction between a technically trained Engineer who does the work himself and creates something and the one who merely supervises i.e. aids or advises. Whereas the former may be technical man the latter only performs supervisory functions—of course utilising his technical knowledge in that supervision. In Murugali Estate Hardypet Vs. I. T. [1964-II-LLJ 164 at 168] Madras, Veeraswami J. observed that if an employee is

found suitable for supervisory work because of his qualification and training, it cannot be said that his functions are mainly those of technical nature. He said that the technical qualifications enabled the management to employ the doctor for supervisory work. The purpose of the employment should be the guiding factor. In the present case also the Mining Sirdars are employed for keeping an eye on the proper observance of safety measure. They have nothing to do except to guide and advice and bring the breaches to the notice of the supervising officers. In Burmah Shell Oil Storage & Distributing of India Ltd. Vs. Burmah Shell Management Staff Association (1970-II-LLJ 590 SC), Bhar-gava J. observed that :—

"If the man is employed because he possesses such faculties and they enable him to produce something as a creation of his own, he will have to be held to be employed on technical work, even though in carrying out that work, he may have to go through a lot of manual labour. If on the other hand, he is merely employed in supervising work of others the fact that, for the purpose of proper supervision, he is required to have technical knowledge will not convert his supervisory work into technical work. The work of giving advice and guidance cannot be held to be an employment to do technical work..... A person with technical qualification can on that account be employed in a supervisory capacity and in such a case he will be held to be employed to do supervisory work so that in order to be a work-man he must not be exempted under exceptions (4)."

In the present case Shri Kamla Pandey, Mining Sirdar, is not using his technical knowledge for creating something by his manual labour and by using his technical knowledge. His technical knowledge is utilised simply for proper supervision that safety conditions are maintained by the workers. Therefore as per principles laid down by the Supreme Court in the aforesaid case Mining Sirdars cannot but be categorised into supervisory staff falling under exceptions (4) of Sec. 2(s) of the Industrial Disputes Act.

12. Even though as held above, Shri Kamla Pandey is not a workman being in the supervisory capacity and drawing more than Rs. 500/- as wages, the reference remains valid because on behalf of the workmen the Union was competent to raise a dispute about any person who was not a workman. In the case of workmen Dimakuchi Tea Estate Vs. Management (3 SCLJ-1898 SC) the Supreme Court, while interpreting the broadly worded expression 'any person' used in Section 2(k) which defines an industrial dispute, carved out two crucial limitation circumscribing the ambit of that expression and the significant of those two limitations so carved out by the Supreme Court is that the person regarding whom that dispute is raised must be one in whose employment or non-employment etc. the workmen raising the dispute are directly or substantially interested.

13. In Standard Vacuum Refining Company Vs. Their Workmen (3 SCLJ 2201) the Supreme Court further analysed the definition of industrial dispute given in Sec. 2(k) and said that it requires three things viz.,—

- (i) there should be a dispute or difference ;
- (ii) the dispute or difference should be between employer and workmen etc.; and
- (iii) the dispute or difference must be connected with the employment or non-employment of any person.

The first part thus refers to the factum of real and substantial dispute, the second part refers to the parties to the dispute and the third to the subject matter of the dispute." If the first two ingredients are present then the Supreme Court said on page 2205 in the aforesaid case that :—

"We have therefore to see whether the respondents who have raised the dispute have a direct interest in the subject matter of the dispute or a substantial interest therein in the sense that the class to which the respondents belong is substantially affected thereby and whether there is community of interest between the respondents and those whose cause they have espoused."

Following these guiding principles laid down by the Supreme Court it is clear in the facts and circumstances proved in the present case that there is a real dispute, and, as the dispute has been sponsored by the Union of workmen, the dispute is between the management and the workman. Thus the first two ingredients of Sec. 2(k) exist in the present set of circumstances. The third ingredient which requires community of interest of the workmen with person whose cause is espoused, also stands satisfied for the following reasons.

14. Shri Kamla Pandey is the Secretary of the Union vide mention of this fact in the failure report Ex. W/1. The same Union of which he is the Secretary has espoused this dispute on behalf of the workmen of the Colliery. The workmen for whose benefits the Secretary raised the demand and led a demonstration are directly and intrinsically interested in seeing that the Secretary is not victimised or punished more severely than what is warranted by the excess, if any, committed by him while so leading the demonstration and espousing the cause of the workmen, otherwise if the secretary of the Union is left free to be molested by the management on account of his trade union activities and for fighting for their rights the poor workmen will have none else to fall back upon in times of needs because in that case in future everyone would be apprehensive to lead any such demonstration for projecting their demands. There is thus a vital link and community of interest between the workmen represented by the Union and their Secretary who has been punished, even though that secretary is not a workman. Thus the third condition for bringing the dispute within the definition of Sec. 2(k) stands fulfilled and thus the dispute so raised certainly becomes an industrial dispute. It is, therefore, held that the objection against the validity of the reference on account of the non-existence of an industrial dispute has no force.

15. Even then it remains to be seen whether the findings given by the Enquiry Officer were perverse. Perversity in the findings can be either because it is based on no evidence, or because no reasonable man could have reached that conclusion on the basis of the evidence on record. It was so held in Central Bank of India Ltd. Vs. Prakash Chand Jain (1969-II-LLJ 377 (380)). It cannot be termed as perverse simply because a different view could be possible.

16. As regards this aspect I am of the view after close scrutiny of the evidence recorded by the Enquiry Officer that his appraisal of the evidence was not such as can be said to be perverse in the sense that no reasonable man could have come to that finding. Nowhere the evidence against Amal Mukherjee was read against Kamla Pandey and no prejudice appears to have been caused because of the joint enquiry when both the delinquents were charged with respect to the same incident and identical question of law and facts were involved. I am, therefore, of the view that the findings were not perverse.

17. So far as the quantum of punishment is concerned I am of the view that there is no cause for interference. A person acting in supervisory capacity who holds the responsible charge of looking after the safety of mines is expected to behave in a proper manner even while pressing the demands of the workmen before the officers. Thumping of the table and keeping the A.L.W.O. under gherao so that he is unable to even take water or pursue the normal routine of life was nothing but a serious matter. I am, therefore, not inclined to interfere with the punishment awarded by the punishing authority. Reference is answered accordingly.

23-3-1978.

[No. L-22012/9/73-LRII|D IV (B)]

S. N. JOHRI, Presiding Officer

S.O. 1263.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur, in the industrial dispute between the employers in relation to the management of Messrs Newton Chickli Colliery Limited, Post Box No. 45, Post Office Jharia, District Dhanbad (Now under the management of Coal Mines Authority Limited Newton Chickli Colliery, Post Office Parasia, District Chhindwara (Madhya Pradesh) and their workmen, which was received by the Central Government on the 4th April, 1978.

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL—
CUM-LABOUR COURT, JABALPUR (M.P.)
Case No. CGIT/LC/(R)(9)/1975.**

PARTIES :

Employers in relation to the management of Messrs Newton Chickli Colliery Limited, Post Box No. 45, Post Office Jharia, District Dhanbad (now under the management of Coal Mines Authority Limited Newton Chickli Colliery, Post Office Parasia, District Chhindwara (M. P.) and their workmen represented through the President, Bhartiya Koyalak Khanda Mazdoor Sangh, P. O. Chandametta, District Chhindwara (M. P.).

APPEARANCES :

For Workman .. Shri S. S. Shankarwar, Advocate.
For Management .. Shri P. S. Nair, Advocate.

INDUSTRY :
Coal Mines .. District : Chhindwara (M. P.)

Dated, 28th March, 1978.

AWARD

This is a reference made by the Government of India in the Ministry of Labour vide its order No. L-22012/9/73-LRII dated 18th February, 1975, for the adjudication of the following industrial dispute by this Tribunal :—

"Whether the action of the management of Messrs Newton Chickli Colliery Limited, Post Box No. 45, Post Office Jharia, District Dhanbad (now under the management of Coal Mines Authority, Newton Chickli Colliery, Post Office Parasia, District Chhindwara, (Madhya Pradesh) is justified in terminating the services of Shri Hiralal, Electrical Helper ? If not, to what relief is he entitled and from what date ?".

2. It is not disputed that on 3-5-1967 the delinquent workman, Shri Hiralal, was served with a charge-sheet that he had disobeyed the direction of Shri Paras Nath Mitra, Electric Filter, to dismantle pump and secondly he had committed theft of about 150 ft. cable. Domestic enquiry was conducted by Shri K. C. Sharma, Office Superintendent, of the then Company. During the course of enquiry Babu Lal, Panna Singh, Faqira, Bhag Chand, Sheshadhar Chakravorty and Paras Nath Mitra were examined. Of these Shri Paras Nath Mitra and Shri Panna Singh were actually cross-examined by the delinquent. The statements of the rest of the witnesses do not indicate that they were cross-examined by him. The Enquiry Officer submitted his report, copy of which was not supplied to Shri Hiralal. Second show cause notice proposing the punishment was not given by the disciplinary authority which simply passed an order No. 2026/128 dated 31st May, 1967 dismissing Shri Hiralal from service on the ground that both the charges were proved against him.

3. Shri Hiralal was simultaneously facing prosecution before a criminal Court for the said incident of theft of cable. The Enquiry Officer did not wait for the result of the criminal case but proceeded to complete the enquiry. Long after the awarding of the aforesaid punishment of dismissal by the disciplinary authority, the criminal Court passed a judgment of acquittal in favour of Shri Hiralal on 11-12-1968 holding that he did not commit any such theft for which he was charged. All this happened when M/s. Newton Chickli Colliery Company was the owner and manager of the colliery.

4. Industrial dispute against the validity of dismissal was raised and when the conciliation failed the present reference was made to this Tribunal in the year 1975 as said above. Meanwhile with effect from 31st January, 1973 the management of the Colliery was taken over by the Government of India Company i.e. the Coal Mines Authority and after a few months the ownership of the Colliery vested in that Government Company. The latter development is that Coal Mines Authority has now been replaced by the Western Coalfields Limited which is a subsidiary Company of Coal India Limited. M/s. Newton Chickli Colliery thus lost ownership and control over the Colliery in which Shri Hiralal was once employed after the nationalisation of coalfields.

5. The case of Shri Hiralal, workman, is that the domestic enquiry was not proper because :—

- (i) the Enquiry Officer was biased;
- (ii) the delinquent was not allowed to cross-examine some of the witnesses;
- (iii) the witnesses were influenced by the management and were threatened to depose against the delinquent;
- (iv) no opportunity to produce defence evidence was given;
- (v) copy of the report of Enquiry Officer was not supplied;
- (vi) second show cause notice was not given, nor any hearing was granted at that stage;
- (vii) the report did not discuss the evidence;
- (viii) the finding was perverse; and
- (ix) the factum of acquittal by the criminal Court was not considered by the management even after the dismissal.

For all these reasons it is alleged that the dismissal was bad and the delinquent deserves to be reinstated with back wages. The successor Company is alleged to be liable to reinstate the workman.

6. The case of the erstwhile employer M/s. Newton Chickli Colliery is that long before the reference the coal mines was nationalised and the private company had been deprived of all its assets, hence it was improperly impleaded.

7. The case of the successor Government Company is that the enquiry was proper and valid and the order of dismissal is unassailable. In any case the Government Company has been exonerated of all financial liability accruing against the erstwhile owners and is thus neither liable to pay back wages nor under an obligation to reinstate the workman even if it is held that the dismissal was not valid.

8. There is no evidence that the Enquiry Officer was biased or was influenced in any manner. The statement of the Enquiry Officer on this point stands unrebutted.

9. When the domestic enquiry opened with the examination of the delinquent himself, Shri Hiralal, said that the witnesses proposed to be examined by the management shall be his witnesses as well. This statement indicated that he was not intending to produce or examine any other witnesses in defence. Even the statements of the management witnesses examined during the course of enquiry to show that no other person was present at the place where the theft was alleged to be committed, hence there was no question of examining any other person in defence. The Enquiry Officer has said that full opportunity to produce the defence was given to Shri Hiralal. There is no rebuttal of this evidence. It is held that the objection on this count has no force.

10. The Enquiry Officer stated as M. W. 1 that from the aforesaid statement of the delinquent that the witnesses examined by the management shall be his witnesses as well, he inferred that the delinquent did not want to cross-examine any witness. Yet he allowed him to cross-examine the witness whenever he wanted to avail of that opportunity. According to him the delinquent did not cross-examine other than the two witnesses mentioned above. There is no rebuttal on this point and simple omission to write at the end of those statements that the delinquent refused to cross-examine them was not of much consequence. In fact those other witnesses were not the eye witnesses and the hear say evidence which they had given did not require any real cross-examination. The objection on this count has also no force.

11. It was not necessary to give a copy of the report of the Enquiry Officer to the delinquent nor was it necessary to give a second notice to the delinquent for showing cause against the proposed punishment. It was so held in Shahadra (Delhi Sharapur Light Railways Company Limited Vs. Union of India (1969-1-LJ 734 (744) S. C.). Thus again these objections carry little weight.

12. The delinquent was facing two charges, one of disobedience and the other of the commission of theft so far as

domestic enquiry was concerned, while the criminal prosecution was confined to the incident of theft only. Thus the criminal prosecution did not cover the whole ground of the domestic enquiry. The Enquiry Officer was, therefore, not unjustified in not staying the enquiry, nor for that reason the enquiry can be said to be vitiated as was observed in *Tata Oil Mills Co. Ltd. Vs. Workmen* (AIR 1965 SC 155).

13. However, that is not the end of the matter. The report of the Enquiry Officer only enumerates the names of the witnesses examined and says rather presumptuously that 'Shri Hiralal is at fault as his intention was motivated with pilfering of cable by cutting into pieces'. No witness had seen him cutting the same. Crime or even misconduct of theft is not committed merely by entertaining intentions or motives to commit the same. The report proceeds further to say that, 'he (Hiralal) and in his possession lack Saw and frame with blade cutting plier and screw driver, which goes to prove his intention of abetting or attempting of pilfering of cable.' Here again the Enquiry Officer seems to have drawn presumptions from the fact that the delinquent was in possession of certain tools, without advertting to the explanation which he had given on this point. Moreover the inference drawn is that the delinquent was either abetting the commission of theft by someone else or was attempting to do it himself, i.e. the Enquiry Officer was not sure as to who was the real thief. Such a dubious and indecisive report could not be the basis for holding that the definite charge of commission of theft was proved against him, when the Enquiry Officer himself, as said above, was not sure in his report as to whether the delinquent had himself committed or attempted the theft or he was aiding or abetting someone else. The disciplinary authority thus acted mechanically and did not apply its mind. Without advertting to the evidence on record he passed the order holding that the guilt of theft was proved against Shri Hiralal.

14. Neither the Enquiry Officer gave any reason in the report as to how and why he believed the witnesses of the management in preference to the statement given by the delinquent nor the disciplinary authority gave any reason for coming to the conclusion of the guilt. Merely saying in the report of the Enquiry Officer that the statement of the delinquent was exaggerated was, besides being insufficient, quite incongruous. One could say that the explanation so given by him was not satisfactory about his presence near the spot or about the possession of those tools but the word 'exaggeration' does not carry that sense. There seems to be no exaggeration in the statement of the delinquent. Thus whatever poor reason is given by the Enquiry Officer in the report is nothing but false and absurd. It has been held in *Cooper Engineering Limited Vs. P. P. Munda* (1975 (12) SCLJ 354 (356) that the Enquiry Officer should give reasons in support of his conclusion in the report but if he had not done so the disciplinary authority should give reasons advertting to the evidence on record.

15. No witness, not even Shri Paras Nath Mitra, had seen Shri Hiralal cutting the cable. Shri Hiralal's immediate denial was not considered by the Enquiry Officer. As said above his explanation was also not considered. Shri Paras Nath Mitra stated that he had heard the sound of cable cutting and thereafter he saw Shri Hiralal coming from that side in a state of nervousness. This is the only evidence from which presumption of commission of theft has been raised. All other witnesses have stated only what they heard from Shri Paras Nath Mitra. Where is the guarantee that Shri P. N. Mitra was telling truth on these two points. The first charge of disobedience related to the defiance of the orders issued by this very witness. No evidence was produced on that charge. Even Shri Mitra did not say a word about it. It is thus clear that the first charge was falsely laid against Shri Hiralal by this witness, Shri P. N. Mitra. It appears that when he could not substantiate that charge he tried to implicate Shri Hiralal in the second charge of theft by fabricating the story of hearing the sound of cable cutting etc. Moreover this witness, Shri P. N. Mitra, has been wholly disbelieved by the learned Magistrate in the criminal case. The Enquiry Officer has not given any reason as to how he believed the statement of Shri Mitra as a gospel truth and this mechanical approach makes his findings as perverse as no reasonable man could have come to such a conclusion on the basis of such shattered and flimsy piece of evidence which was wholly unworthy of credence.

16. The enquiry papers show that the management examined no witness for proving the charge of disobedience.

The report of the Enquiry Officer is, therefore, scrupulously silent about it. In support of that the order passed by the disciplinary authority on the back side of the report of the Enquiry Officer and the typed order of dismissal passed by him on 31-5-1967 as Ex. M/3, say in clear words with reference to the charge sheet dated 3-5-1967 that both the charges were fully proved. Besides being mechanical such an order was nothing but a perverse order. The disciplinary authority came to the conclusion that the two misconducts proved constituted such a serious matter that the extreme penalty of dismissal was necessary in the case i.e. the dismissal was the result of the combined effect of the erroneous belief of disciplinary authority that both the charges were proved. The punishment so awarded on the basis of such an erroneous belief and mechanical exercise of jurisdiction cannot be upheld. For all the reasons discussed above the punishment so awarded stands vitiated.

17. As discussed above, though the procedure which was followed by the Enquiry Officer was proper and though full opportunity to defend was given, yet the order of punishment was vitiated because the findings were perverse and the disciplinary authority mechanically punished the delinquent on a charge which was not proved at all. Firstly where the proper opportunity to defend is granted in the enquiry but simply the punishment is vitiated, there is no need to reopen the enquiry for affording a fresh opportunity to the management to prove the facts and secondly such reopening of enquiry is now not necessary because competent criminal Court has held Shri Hiralal not guilty of the charge of theft, not because of any technical flaw or on account of giving benefit of doubt, but on merits after wholly disbelieving the testimony of the star witness, Shri Paras Nath Mitra. I am, therefore, of the view that there is no case for reopening the enquiry and giving an opportunity to the management before this Tribunal to produce any evidence. The order of dismissal is void and non-existent and under the circumstances Shri Hiralal should be deemed to have continued in service as before. M/s. Newton Chickli Colliery Company, which was rightly impleaded as a party in the case is therefore bound to pay the emoluments of Shri Hiralal from the date of dismissal to the date on which the mine was nationalised.

18. This brings us to the question of liability of the Western Coalfields Limited to reinstate the workman, Shri Hiralal, and pay him back wages from the date of nationalisation onwards. This Government Company has sought shelter and complete exoneration under the provisions of Coal Mines Nationalisation Act, 1973. Firstly, nationalisation, according to the policy of the State as declared in the preamble to Act 26 of 1973 aims 'to provide for acquisition for transfer of the right, title and interest of the owners in respect of coal mines.....in order that the ownership and control of such resources are vested in the State and thereby so distributed as best to subserve the common good.' This phraseology had been adopted from Clause (b) of Article 39 of the Constitution which says that the State shall in particular direct its policy towards securing that the ownership and control of the material resources of the community are so distributed as best to subserve the common good. The words 'common good' as used in that Article as well as in the Preamble of Act No. 26 of 1973 are wide enough to include the interest of the workmen as well. House Nationalisation of ownership of the coal mines should subserve the interest of the victimised workmen rather than leave these poor citizens of the country on the threshold of hunger and starvation arising out of such unemployment. No provision of the Coal Mines Nationalisation Act should therefore be so interpreted as to put the security of service of a victimised labourer to jeopardy specially when Section 14 specifically provides that every person who is a workman of the erstwhile Company shall continue to remain workman under the Government Company and thereby confirms this aspect of security of service to all the labourers, by saying that the Act is meant to operate against the owners and not against the labourers.

19. Moreover interpretation of the Industrial Laws and in a way this Nationalisation Act can also be classified as an industrial law, should recognise the socially vital factor of industrial jurisprudence and constitutional mandate of Article 42 which directs the State to secure all workers just and human conditions of work. 'Security of employment is the first requisite of a worker's life' as observed by the Supreme Court in *L. Michael and another Vs. Johnson*

Pumps India Ltd. (1975-I-LLJ 262). The interpretation should be such as to recognise the declared directive principle of State policy vide Section 2 (referring to Article 39 Clause (b) of the Constitution) with the undeclared but all pervading directive principles of the State policy as envisaged in Articles 41 to 43 of the Constitution of India so far as Industrial Laws are concerned. Thus as said above the interpretation should lean towards security of employment are not against it.

20. Secondly Coal Mines (Nationalisation) Act 1973 is more concerned with the ownership and managerial aspect of the undertaking. Its provisions are meant to save the Government Company from the past liabilities of the erstwhile owner, more so financial liabilities such as loans, contract liabilities, payment of wages, back wages, gratuity, bonus, provident fund amount and other dues of the workmen including retrenchment compensation etc. The Act appears to be leaving the labour aspect i.e. the service matters of the workers to the care of the normal law. It is not designed to affect them adversely. Hence to seek in interpretation of Section 7 of the Act in such a manner as to leave an unjustifiably dismissed worker to the care of unemployment and starvation would not only be the traversity of argument but will also put at naught the social conscience which should inform the interpretation of industrial laws.

21. Thirdly the absence of non-obstante clause from Section 7 makes it clear that it does not over-ride the provisions of Section 14 of the Act which provides security of continued employment to the workmen of the past owner. In a way providing continued employment to the workmen of the erstwhile owner is also liability arising out of the Act of recruitment of the workmen made by the past owners an under the normal law as laid down in Section 25(FF) of Industrial Disputes Act, the transferee concern was not bound to accept the liability to provide work to all the workmen employed by the past owners. It is with a view to safeguard the workmen against such liability that Section 14 was specifically incorporated in Act No. 26 of 1973 in contradistinction to the liabilities envisaged Section 7 thereof.

22. It is true Section 28 of the Act No. 26 of 1973 gives its provisions an over-riding effect over such other Acts, instruments, decrees or orders of Courts or Tribunals as are inconsistent with the provisions of that Act but for providing the relief of reinstatement we have not to seek the aid of provisions of any other enactment which can be said to be inconsistent with the provisions of the Act of 1973. The air for such relief is to be derived from Section 14 of the Act itself. In that respect provisions of the Industrial Disputes Act are not inconsistent with the provisions of Act No. 26 of 1973.

23. Clause (b) and (c) of Section 7 of the Coal Mines (Nationalisation) Act, 1973 run as follows :—

- (b) no award, decree or order of any court, tribunal or other authority in relation to any coal mine passed after the appointed day, but in relation to any matter, claim or dispute which arose before that day, shall be enforceable against the Central Government or the Government Company;
- (c) no liability for the contravention, before the appointed day, of any provision of law for the time being in force, shall be enforceable against the Central Government or the Government company."

Awards and decrees in relation to mines or dispute which arose before the appointed day shall not be enforceable according to Clause (b) but so far as the question of reinstatement by the Western Coalfields Limited is concerned, the dispute will be deemed to have arisen today only after the decision that the dismissal of the workman by the erstwhile owner was invalid in law. So this is not a matter which arose on a date prior to the coming into force of the Nationalisation Act. Western Coalfields Limited is not being saddled with the liability for the past period i.e. for the period prior to nationalisation. Similarly according to Clause (c) the present Company will not be responsible for any liability for the contravention of any provision of law by the erstwhile owner before the appointed day. In the present case, the Western Coalfields Limited, is not being held liable for any such contravention of the provision of law by the erstwhile owners. Its liability to reinstate arises out of the workman's right to continued service under Section 14 of the Nationalisation Act itself and not as a consequence of any act of the past employer. Thus inspite of

Sub-section (2) of Section 7 of the Act the relief of reinstatement and back wages from the date of nationalisation can be granted against the Western Coalfields Limited. Any other interpretation of Section 7 would bring it in conflict with Section 14 of the Act hence on principles of harmonious interpretation Section 7 should be interpreted as said above.

24. Section 14 opens with the clause, 'every person who is a workman within the meaning of Industrial Disputes Act.' Neither the Act of 1973 nor the Mines Act, nor Coal Mines (Conservation, Safety and Development) Act, 1952 defines a 'workman'. These Acts have been referred to in Section 2 of the Act No. 26 of 1973 for definitions of the words which have not been defined in that Act itself. However the aforesaid opening clause of Section 14 of the Act No. 26 of 1973 specifically imports the definition of 'workman' as given in Section 2(s) of the Industrial Disputes Act. According to that definition the expression 'workman' includes any such person who has been dismissed, discharged or retrenched either as a consequence of industrial dispute or vice-versa. Thus Section 14 will mean to say that if there is a discharged, dismissed or retrenched person he will be deemed to be in the fictional or notional employment of the Coal Mines. He shall become a fictional employee of the Western Coal Fields Limited and will be entitled to be reinstated by the Western Coalfields Limited after the adjudication of the dispute in favour of such reinstatement of the workman.

25. It is, therefore, held that the Western Coalfield Limited is under an obligation to reinstate Shri Hiralal and pay back wages from the date of nationalisation to the date of reinstatement with continuity of past service and all other benefits flowing from such continuity.

26. To sum up, it is held that the order of dismissal was void and honest. The workman shall be deemed to have continued in service without a break, the erstwhile owner M/s. Newton Chickli Colliery Limited do pay all back wages to the workman since the date of dismissal to the date of Nationalisation including the increments and other consequent benefits. Western Coalfields Limited shall reinstate the workman since the date of Nationalisation to the date of actual reinstatement and shall pay all back wages with continuity of service and the consequent benefits arising out of it. The erstwhile owner shall pay Rs. 200 as costs to the Union for this litigation. The Award is given accordingly.

S. N. JOHRI, Presiding Officer

[No. L-22012(42)/76-D. III(B)/D. IV(B)]

DATED : 28-3-1978.

S.O. 1264.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur, in the industrial dispute between the employers in relation to the management of Rungta Colliery and their workmen, which was received by the Central Government on the 4th April, 1978.

BEFORE GOVERNMENT INDUSTRIAL TRIBUNAL-

CUM-LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/LC(R)(21) of 1977

PARTIES :

Employers in relation to the Management of Rungta Colliery of Western Coalfields Limited and their workman Shri Mathura S/o. Shri Nichwas Harijan, Boiler attendant represented through the General Secretary Koyla Mazdoor Sabha, P.O. Dhanpuri, District Shahdol (M.P.).

APPEARANCES :

For the Management—Shri P. S. Nair, Advocate.

For the workman—Shri P. K. Thakur, Advocate.

INDUSTRY : Coal Mine. DISTRICT : Shahdol (M.P.).

Jabalpur, the 27th March, 1978

AWARD

This is a reference made by the Government of India in the Ministry of Labour vide its order No. L-22012(42)/76-

D-III(3)/D-IV(B) dated 31-10-1977 for the adjudication of the following industrial dispute by this Tribunal :—

"Whether the action of the management of Rungta Colliery of Western Coalfields Ltd. in discharging Sri Mathura S/o. Nichwas Harijan, Boiler Attendant of Rungta Colliery from service vide letter No. P/43/5043 dated 21-1-1976 is justified, If not, to what relief is the concerned workman entitled?"

2. It is not disputed that Sri Mathura was working as a boiler attendant. On medical advise he was made to work as a clerk in the dispensary. There he worked till he was discharged from service.

3. The case of the Union is that Sri Mathura was an active member of the Union. He requested the Manager to change his designation from boiler maker to that of a clerk because he was working as a clerk. The Manager became annoyed on this and terminated his services.

4. Management's case is that Sri Mathura suffered from epileptic fits and it was dangerous to continue him as boiler maker. He was, therefore, kept under the observation of the doctor and was temporarily attached to the dispensary to work as a clerk or do some other light type of job. The doctor then reported that he was unfit for a job in the mine. As he could not be posted as boiler attendant he was discharged from service. The management has further raised the plea about the invalidity of the reference because no dispute was ever raised directly with the Management.

5. In Para 4 of the written statement filed by the union it was specifically pleaded that the dispute was raised with the Sub-Area Manager vide letter No. 12/76 dated 5-3-76. This fact has not been denied in the rejoinder while giving a reply to this written statement. Thus it is admitted that the dispute had been raised. The failure report also mentions that the process of demand and refusal was found to be complete before the union approached for conciliation. Under the circumstances the technical objection against the validity of the reference falls to the ground.

6. On merits the union has no case. The prescribed minimum physical standards laid down for medical fitness at the time of recruitment, Ex. M-4 clearly mention that 'subjects ofepilepsy are to be rejected'. Dr. Grewal, M.W.I was said that even during the course of service if a workman contacts one of such diseases he is declared unfit. Thus under the terms of employment discharge of Sri Mathura, because he was suffering from epileptic fits, cannot be said to be unjustified.

7. Sri Mathura's appointment was as boiler attendant. Sri Thaper, Manager has testified that a boiler attendant has to work very close to the boiler which has about 100°C temperature. If Sri Mathura gets an epileptic fit there, as he once got it, he could come in contact with the boiler and get extensive burns. It is, therefore, too risky to keep him on that job in the mine. The medical report, Ex. M-3 and M-2 thus rightly declared him unfit for that job. His consequent discharge from service as boiler attendant cannot be said to be unjustified.

8. The manager has further said that after his discharge from the hospital, where he was treated for epilepsy, he was temporarily attached to the dispensary where he was kept under the observation of the doctor who had to give fitness certificate. The doctor did opine that no risk was involved if Sri Mathura was made to work as a clerk in the office away from the mine. The question is whether this temporary assignment given on humanitarian grounds entitled him to demand his permanent absorption on that post. Firstly, the terms of the reference are not vide enough to permit going into that wider question. Justifiability of action of discharging boiler attendant (from that job) has been referred for adjudication and as held in the previous paragraph, that action was not unjustified. Secondly, mere posting on a clerical job for the time being till one is kept under observation, will not create any right to that clerical post. Thirdly, there is no evidence that the post of boiler attendant carries the same scale of pay as the clerical post in dispensary. The disability cannot entitle the workman to lay claim to a post carrying higher scale of pay. Fourthly, there is no evidence that any

such alternate post is lying vacant with the employer and that workmen is qualified to hold the same. Thus even on compassionate grounds no such order can be passed by this Tribunal to direct the employer to offer the workman an alternate employment.

9. The action of the management to discharge the employee on medical grounds is thus not unjustified. Reference is answered accordingly.

27-3-1978.

S. N. JOHRI, Presiding Officer

[No. L-22012 (42)/76-D. III. (B)/D. IV(B)]

New Delhi, the 14th April, 1978

S.O. 1265.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Jabalpur (Madhya Pradesh) in the industrial dispute between the employees in relation to the management of Newton Sub Area of Western Coalfields Limited, Parasia and their workmen, which was received by the Central Government on the 12th April, 1978.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/LC(R)(13)/1977

PARTIES :

Employers in relation to the management of Newton Sub-Area of Western Coalfields Limited, Parasia and their workmen represented through the Bhartiya Koyal Khadan Mazdoor Sangh, P. O. Chandametta, District Chhindwara (M.P.).

APPEARANCES :

For Union—Shri S. S. Shakarwar, Advocate.
For Management—Shri P. S. Nair, Advocate.

INDUSTRY : Coal Mines

DISTRICT : Chhindwara
(M.P.)

Dated March 31st 1978

AWARD

This is a reference made by the Government of India in the Ministry of Labour vide its Order No. L-22012(3)/76-D-III(B)/D-IV(B) dated 28-6-1977, for the adjudication of the following industrial dispute by this Tribunal :—

"Whether the management of Newton Sub-Area of Western Coalfields Limited, Parasia are justified in stopping Shri Mansingh S/o. Babu Singh, Mazdoor (Category-I) from work with effect from 2-3-1975 ? If not, to what relief is the workman entitled ?"

2. The case of the Union is that Shri Mansingh was working as a General Mazdoor in Newton B Colliery of Newton sub-Area till he was illegally stopped from work on 25-1-1975 without assigning any reason. His employer was Coal Mines Authority (C.M.A.) which had once ordered his transfer to Newton Chickli A Colliery on 23-2-1975 but the Manager, of that Colliery did not accept him and he had returned back to Newton Chickli B Colliery. He was then given the relieving letter.

3. The management's case is that Shri Mansingh was an employee of Shri Wasik, Contractor, who was registered under the Contract Labour (Regulation and Abolition) Act, 1970 read with Mines Act. The said Contractor employer had terminated his services because of the absence of Shri Mansingh from duty and the C.M.A. had no relationship of employer and employee so far as Shri Mansingh is concerned, nor it ever stopped him from work. Therefore the question of justification or otherwise of the termination of his service by the Contractor cannot be attributed to the management of the Colliery. As there was no relationship of employer and employee between Shri Mansingh and the management of Newton Chickli B Colliery there could arise no industrial dispute within the meaning of Sec. 2(k) of the Act. No dispute was raised with the management and on that account

also no industrial dispute came into existence. The dispute raised before the conciliation officer was materially different from the dispute referred to this Tribunal.

4. Ex. W/3 is an application moved by Shri Mansingh on 9-6-1975. It was addressed to Vice President of the Union at Chandametta. In this application Shri Mansingh specifically stated that Shri Wasik, Contractor, had refused him work because he could not attend on 25-1-1975 on account of illness. This admission is sufficient to show that he was an employee of the Contractor. This portion of the application was specifically put to Shri Mansingh (W.W.1) in cross examination and he had no explanation to offer.

5. The Management examined Shri Gulam Hussain (M.W.1) who was the Munshi of the Contractor. He has stated in clear terms that Shri Mansingh was an employee of the Contractor. His emoluments were paid by the Contractor after encashing his own bills advanced against the contract. He had proved Wage-sheets (Ex. M/2 and Ex. M/3) and further proved copy of the Form B register (Ex. M/4). These documents were maintained by the Contractor and had to be countersigned by an officer of the Company in order to ensure that the payment was made to the workman in his presence. They go to show that Shri Mansingh was an employee of the Contractor. The licence of Shri Wasik for working as a Contractor given under the Contract Labour (Regulation and Abolition) Act, 1970 was with Shri Gulam Hussain but the learned Counsel for the Union did not allow him to produce the same.

6. Shri S. L. Sachdeva (M. W. 2) who was the Manager of Newton Chickli B Colliery at that time has also stated on oath that Shri Mansingh was an employee of the Contractor. There is another memo addressed to Shri T. K. Banerjee signed by the Manager of the Colliery asking Shri Banerjee "to allow Shri Mansingh Contractor worker on duty from tomorrow, the 19th February 1975." Shri Mansingh has admitted that he went to Shri Banerjee with that letter who wrote back on Ex. W/1 that 'Wasik Contractor does not like to take him on his roll. I have no objection in allowing him on duty.' This document clearly goes to show that Shri Mansingh was an employee of the contractor and his employer i.e. Shri Wasik Contractor did not want to take him back on the roll. The management of the Company had no objection to his coming back on duty if the employer of Shri Mansingh was agreeable to take him back.

7. Shri S. L. Sachdeva (M.W.2) stated that Shri Wasik Contractor was given the work of stone cutting, debris cleaning etc. He used to employ labour independently and those labourers were under his control and paid by him. The Manager used to ask the Contractor to do a job, the details of which were left to the contractor as to how many labourers were to be employed for the execution of that assignment. Shri Sachdeva, Manager, has again said specifically that he had no authority to transfer any labourer of the contractor from one place to the other. Quarterly bonus, Profit Sharing bonus, Leave etc and Leave Travel Concession were being paid to the Contractor's labour directly by the management debitible to the account of the Contractor. This was being done in terms of the agreement between the Contractor and the management with a view to secure the wages and other benefits to the employees of the Contractor. Such payments, therefore, were not sufficient to make them assume the status of the workmen of the Company and thus they could not create a direct relationship of employer and employee, master and servant, between Shri Mansingh and C.M.A.

8. It appears from the papers and sequence of circumstances that after 25-1-1975, when Shri Mansingh admittedly became absent on account of his illness, the contractor did not take him back on duty and thus even according to the statement made by Shri Mansingh himself he was stopped from work with effect from that date. Thereafter it appears from Ex. W/1 that Sri Mansingh approached the Manager, Shri Sachdeva, on 18-2-1975 complaining that he was not being given work. On this Shri Sachadeva wrote to Shri T. K. Banerjee that this Contractor worker may be taken on duty with effect from tomorrow i.e. from 19-2-1975. As said above Shri Banerjee wrote back that the Contractor was not willing to

take him back in employment. This again goes to confirm that Shri Mansingh was not in employment after 25-1-1975. It is thus obvious that by mistake as stated by Shri Sachdeva, Manager, on oath, he passed an order of transfer of this labour from Newton Chickli B Colliery to New Chickli A Colliery sometime on or about 23rd February, 1975. The Manager of Newton Chickli Colliery did not accept him on transfer, hence he had to return back. Meanwhile Shri Sachdeva had come to know that he was not an employee of the Company and as such the whole matter was dropped. Transfer order was an obvious mistake because admittedly Shri Mansingh was not in employment after 25-2-75. Such mistaken order could not confer any status of a workman upon Shri Mansingh.

9. When the contract labour was abolished in October, 1975, in this Colliery those who were working with the Contractor at that time were duly screened and after medical check up were recruited on the regular rolls of the Company. This advantage was given to only those labourers who were on the rolls of the Contractor on the date of the abolition of the contract system. Shri Mansingh was not on the rolls of the Contractor on that date hence his case could not be considered. This method of screening and regularisation also clearly indicates that Shri Wasik was working as a Contractor and a few persons were employed by him as contract labourers. Shri Mansingh was one of them till he was stopped from work with effect from 25-1-1975 when on his own admission he absented himself from duty. The failure report as well as pleadings go to show that the dispute was about illegal stoppage of work from 25-1-1975 but the reference speaks of the illegal stoppage of work with effect from 2-3-1975. In fact as discussed above there was no stoppage with effect from 2-3-1975 as Shri Mansingh was not in employment on that date. The reference is thus materially different from the dispute that was raised by the Union.

10. For all these reasons it is obvious that there was no relationship of employer and employee between the Company and Shri Mansingh. As Shri Mansingh was not a workman of the Company no industrial dispute could be agitated with respect to him and on that account no industrial dispute came into existence, and as the reference relates to a date materially different from the date of the dispute as it was originally raised, it is held that the reference is invalid in law. Award is given accordingly.

S. N. JOHRI, Presiding Officer
[No. L-22012(3)/76-D.III.(B)/D-IV(B)]
31-3-1978

S.O. 1266.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby Publishes the following award of the Central Government Industrial Tribunal, Jabalpur in the industrial dispute between the employers in relation to the management of Rawanwara Colliery of Western Coalfields Limited, Nagpur and their workman, which was received by the Central Government on 12th April, 1978.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/LC(R)(1)/1978

PARTIES :

Employers in relation to the Management of Rawanwara Colliery of Messrs Western Coalfields Limited, Nagpur and their workman Kumari Pushpa B. Ranashourya, Nurse in Rawanwara Colliery Dispensary of the Company.

APPEARANCES :

For Management—Shri P. S. Nair, Advocate.

For Workman—Not represented.

INDUSTRY : Coal Mine DISTRICT : Chhindwara (M.P.)

AWARD

This is a reference made by the Government of India in the Ministry of Labour vide its order No. L-22012(15)/77-D-IV(B) dated the 30th December, 1977, for the adjudication of the following industrial dispute by this Tribunal :

"Whether the action of the management of Rawanwara Colliery of Messrs. Western Coalfields Ltd., Nagpur, in terminating the services of Kumari Pushpa B. Ranashouriya, Nurse in Rawanwara Colliery Dispensary of the Company with effect from 24-11-1976 is justified ? If not to what relief is the concerned workman entitled ?"

2. Management's case is that the lady was appointed temporarily in September 1975 and from time to time her service was extended till the last extension expired on 24-11-1976 after which she could not be kept in service because the selection committee did not select her for regular appointment even though the committee did consider her name. She is alleged to be employed elsewhere since then hence she is allegedly no longer interested in the prosecution of this reference. No written statement or rejoinder was filed by the lady in spite of repeated service of notices and even when, for affording all facility and better opportunity and with a view to avoid any financial burden to her in prosecuting this reference, the last sitting was held in her home town Nagpur where she is reported to be still living.

3. The reference seeks management to prove the justification of the termination of her services. It has failed to discharge that burden and mere allegations in written statement have no evidentiary value, hence the first part of the reference cannot but be answered in negative.

4. However, the conduct of the lady in not caring to file even the written statement in spite of the grant of maximum opportunity and facility confirms the truth of the management's plea that she is in employment elsewhere and is not interested in prosecuting the reference. Hence in spite of the finding that the action of the management is not proved to be justified I am not inclined to grant any relief to Kumari Pushpa B. Ranashouriya.

Award is given accordingly.

S. N. JOHRI, Presiding Officer

3rd April, 1978

[No. L-22012(15)/77-D. IV (B)]

New Delhi, the 17th April, 1978

S.O. 1267.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Hyderabad in the industrial dispute between the employers in relation to the management of Singareni Collieries Company Limited, Kothagudem and their workmen which was received by the Central Government on 14th April, 1978.

BEFORE THE INDUSTRIAL TRIBUNAL (CENTRAL)
AT HYDERABAD

Industrial Dispute No. 22 of 1977

BETWEEN

Workmen of Singareni Collieries Company Limited,
Kothagudem.

AND

The Management of Singareni Collieries Company Limited, Kothagudem.

APPEARANCES :

Shri V. Gopala Sastry, Divisional Personnel Officer—for the Management.

None present—on behalf of the Workmen.

AWARD

The Government of India, Ministry of Labour through its No. L-21012(1)/77-D-IV(B), dated 14-11-1977 referred under Sections 7A and 10(1)(d) of the Industrial Disputes Act, 1947 the following dispute existing between the Employers in relation to the Management of Singareni Collieries Company Limited and their Workmen to this Tribunal for adjudication :—

"Whether the action of the Management of Singareni Collieries Company Limited in dismissing Shri X. Swamidas, Auxiliary Turbine Attendant 'B' Power House, Kothagudem with effect from 16-4-1976 is justified ? If not, to what relief is the concerned workman entitled."

2. The reference was registered as Industrial Dispute No. 22 of 1977 and notices were ordered to be issued to both the parties.

3. Inspite of repeated notices which were all duly served and acknowledged, no claims statement was filed on behalf of the Workmen. In response to a notice fixing the date of adjournment as 6-2-1978 and informing the workman that if no claims statement is filed by that date it would be deemed that the workman do not press their claims and that the matter would be disposed of on that basis, an application was sent by the General Secretary of the Workers' Union asking for time till 15-2-1978 for filing the claims statement. Time was extended accordingly. On 15-2-1978 a Settlement dated 11-2-1978 entered into between the Management and the Union was filed into Court by the representative of the Management. This settlement purports to have been signed by the Workman concerned in this dispute also. It provides that the workman concerned should be appointed as Mazdoor in Category II at the Main Stores Kothagudem with immediate effect on a basic pay of Rs. 11.80 per day and that the break in service from the date of his dismissal till he reports for duty would be treated as leave on loss of pay for purposes of gratuity and that the Settlement fully and finally settles the dispute. Time was given till this day to both the parties for appearing before this Tribunal and admitting the Settlement. The parties were also informed that otherwise the matter would have to be disposed of on the assumption that the Workmen did not press their demands. This day only Shri V. Gopala Sastry, Divisional Personnel Officer representing the Management is present and he speaks to the terms of the Settlement mentioned above. No one is present on behalf of the Workmen. In this state of affairs it is not possible to pass an award in terms of the aforesaid Settlement since the workman concerned or his representative has not appeared before the Tribunal and admitted the terms of the Settlement. But in view of the utter indifference shown by the Workmen to the several notices issued, it will have to be presumed that the workmen do not press their demands. Hence there is no need to proceed with the matter further.

4. A null Award is hereby passed.

Dictated to the Stenographer, transcribed by him and corrected by me and given under my hand and the seal of this Tribunal, this the 27th day of February, 1978.

K. P. NARAYANA RAO, Presiding Officer

[No. L-21012(1)/77-D-IV(B)]

BHUPENDRA NATH, Desk Officer

नई दिल्ली, 14 अप्रैल, 1978

का०आ० 1268.—केन्द्रीय सरकार, खान अधिनियम, 1952 (1952 का 35) की धारा 5 की उपधारा (1) द्वारा प्रवत्त मानियो का प्रयोग करते हुए और भारत सरकार के श्रम मंत्रालय ने अधिसूचना सं० का०आ० 339 तारीख 22-1-77 को अधिकांश करते हुए, निम्नलिखित अधिकारियों को मुख्य खान नियोक्त के अधीनस्थ खान नियोक्त करती है, अर्थात् :—

1. श्री एस०ए० रहीम

कल्याण आयुक्त,

अध्यक्ष खान अम कल्याण संस्था,

कानीचौड़, ज़िला निलोर,

ग्राम प्रवेश।

शुप—('ए')

2. श्री एम० आर० गायकवाड़, गुप—('बी')
कल्याण प्रशासक,
प्रधक खान शम कल्याण संस्था,
कालीचेड़, जिला निलोर,
आनंद प्रदेश।

3. कुमारी दी० विजयलक्ष्मी रेड़ी, दी० ए० गुप—('सी')
सहायक कल्याण प्रशासक,
प्रधक खान शम कल्याण संस्था,
कालीचेड़, जिला निलोर,
आनंद प्रदेश।

4. श्री एम०ए० सुभान, दी०ए० गुप—('सी')
कनिष्ठ महायक कल्याण निरीक्षक,
प्रधक खान शम कल्याण संस्था
कालीचेड़, जिला निलोर,
आनंद प्रदेश।

[सं० ए०-२२०२५/१/७८-ए०-३]

New Delhi, the 14th April, 1978

S.O. 1268.—In exercise of the powers conferred by sub-section (1) of the section of the Mines Act, 1952 (35 of 1952) and in supersession of the Notification of the Government of India, Ministry of Labour, No. S.O. 339, dated the 22nd January, 1977 the Central Government hereby appoints the following officers to be Inspectors of Mines subordinate to the Chief Inspector of Mines, namely:—

Shri S.A. Rahim, Welfare Commissioner Mica Mines Labour Welfare Organisation, Kalichedu, Distt. Nellore, Andhra Pradesh.	Group 'A'
2. Shri M.R. Gaekwad, Welfare Administrator, Mica Mines Labour Welfare Organisation, Kalichedu, Distt. Nellore, Andhra Pradesh	Group 'B'
3. Kumari D. Vijayalakshmi Reddy, B.A. Assistant Welfare Administrator, Mica Mines Labour Welfare Organisation, Kalichedu, Distt. Nellore, Andhra Pradesh.	Group 'C'
4. Shri M.A. Subhan, B.A. Junior Assistant Welfare Inspector, Mica Mines Labour Welfare Organisation, Kalichedu, Distt. Nellore, Andhra Pradesh.	Group 'C'

[No. S. 22025/1/08 MIII]

नई विल्ली, 17 अप्रैल, 1978

का०आ० 1269.—केन्द्रीय सरकार, कोयला खान शम कल्याण निधि नियम, 1949 के नियम 3(1)(क) (i) के साथ पठित, कोयला खान शम कल्याण निधि अधिनियम, 1947 (1947 का 32) की धारा 8 द्वारा प्रदत्त यक्षियों का प्रयोग करते हुए, श्री के० ए० रघुपति, सचिव, शम मंत्रालय को डा०ए० आगा के स्थान पर उक्त धारा के अधीन गठित सलाहकार समिति का अध्यक्ष नियुक्त करती है और भारत सरकार के शम मंत्रालय को अधिसूचना सं० का०आ० 1264 तारीख 5-4-1975 में निन्मलिखित संशोधन करती है, अधीन:—

उक्त प्रधिसूचना में कम संलग्न 1 के सामने की प्रविष्टियों में “डा० ए०ए० आगा” पद के स्थान पर “श्री के० ए० रघुपति” पद रखा जाएगा।

[सं० य० २३०१८/४/७८/ उल्लू ए०(ए०)]

तारा चाल गुप्ता, अवर सचिव

New Delhi, the 17th April, 1978

S.O. 1269.—In exercise of the powers conferred by section 8 of Coal Mines Labour Welfare Fund Act, 1947 (32 of 1947), read with rule 3(1)(a)(i) of the Coal Mines Labour Welfare Fund Rules, 1949, the Central Government hereby appoints Shri K. S. Raghupathi, Secretary, Ministry of Labour as Chairman of the Advisory Committee constituted under the said section vice Dr. N. A. Agha and makes the following amendment in the notification of the Government of India in the Ministry of Labour S.O. No. 1264 dated the 5th April, 1975, namely:—

In the said notification, in the entries against serial number 1, for the expression “Dr. N. A. Agha” the expression “Shri K. S. Raghupathi” shall be substituted.

[F. No. U-23018/4/78-WA(M)]

T. C. GUPTA, Under Secy.

New Delhi, the 15th April, 1978

S.O. 1270.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur in respect of a complaint under section 33A of the said Act filed by Shri Sant Ram, Stationary Pump Attendant, South Eastern Railway, which was received by the Central Government on the 12th April, 1978.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT JABALPUR (M.P.)

Case No. CGIT/LC(A)(11)/77

PARTIES :

Sri Santram S/o Sri Harilal, Stationary Pump Attendant
S. E. Railway, resident of Near Railway Pump
House, Harpa River, Post Bilaspur Distt. Bilaspur
(M.P.).....Complainant.

Versus

1. The divisional Superintendent, South Eastern Railway, Bilaspur (MP)
2. The Divisional Electrical Engineer South Eastern Railway, Bilaspur (MP)... Opposite Party

APPEARANCES

For Complainant—Shri T. Kashinath.

For Opposite Party—Shri S. D. Mukherjee, Advocate

INDUSTRY : Railway

DISTRICT : Bilaspur

(M.P.)

Dated : April, 3rd 1978

AWARD

This is a complaint under section 33-A of the Industrial Disputes Act challenging the validity of the order No. EL/(P)/BSP/D&A/SRM/85 dated 13-7-1977 passed by the Divisional Electrical Engineer changing service conditions of the complainant during the pendency of his Labour Court application No. 108 of 1977.

2. The complainant was charge-sheeted on 17-6-1976 for the delinquency committed on 8-10-1974 and a minor penalty was inflicted after considering his reply but no orders were passed at that time about the emoluments payable to him for

the period from 8-10-1974 to 1-5-1975 during which he had been kept under suspension in anticipation of starting a domestic enquiry for that delinquency. The complainant, therefore, presented a claim for full wages for that period which claim was registered as Labour Court Case No. 108 of 1977.

3. During the pendency of that application the competent authority passed an order that the suspension period shall be treated as suspension and nothing more than the suspension allowance already paid to him shall be admissible. It is alleged that this order changed the service conditions of the workman during the pendency of Labour Court application before this Court and that too without seeking prior permission.

4. As per Rule 2044 and 2044-B of Railway Establishment Code, Volume II the Management was competent to pass orders with respect to the wages of suspension period when the domestic enquiry resulted in the award of punishment to the delinquent employee even though the punishment was only a minor penalty. Management thus only corrected the step which it had omitted to take. An action so taken under the Rules, even during the pendency of proceedings before this Court was only a bonafide act and will not amount to alteration of service conditions within the meaning of Section 33(1) of the Industrial Disputes Act. It has been so held repeatedly by the Labour Appellate Tribunal and even by the Supreme Court. There was no breach of the provisions of Section 33(1) of the Act and the order so passed did not require prior permission of this Court for its validity.

5. The complaint is, therefore, not maintainable and is hereby dismissed. Award is given accordingly.

S. N. JOHRI, Presiding Officer

Dated : 3-4-1978

[No. L-41014(1)/78-D.II(B)]

HARBANS BAHADUR, Desk Officer

New Delhi, the 19th April, 1978

S.O. 1271.—In pursuance of section 17 of the Industrial Disputes Act, 1947, (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal Bombay in the industrial dispute between the employers in relation to the management of New India Assurance Co. Ltd., and their workmen which was received by the Central Government on the 11-4-78.

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL AT BOMBAY

Reference No. CGIT 14 of 1976

PARTIES : Employers in relation to New India Assurance Company Ltd., Bombay.

V/s.

Their workmen.

APPEARANCES :

For the workmen—(1) Shri B. R. Dolia, Advocate.
(2) Shri N. B. Karmaran, General Secretary.
(3) Shri J. N. Joshi, Lt. Secretary. (4) Shri K. S. Moorthy, Vice-President of workers' Union.

For the employers—(1) Shri C. V. Pavaskar, Labour Adviser. (2) Shri K. R. Sukhija, Officer, New India Assurance Company.

INDUSTRY : Assurance. STATE : Maharashtra.

Dated, Bombay, the 6th March, 1978.

AWARD

1. The Central Government has referred the following dispute for adjudication by this Tribunal :—

SCHEDULE

"Whether the demand of the New India Assurance Company Ltd. Southern Region Employees' Association for fixation of the basic pay and the date of next increment of the 20 employees (list attached) of

the New India Assurance Co. Ltd., Bombay a subsidiary of the General Assurance Corporation of India in accordance with the provisions of the General Insurance (Rationalisation and Revision of Pay Scales and other conditions of Services of supervisory, Clerical and Subordinate Staff) Scheme, 1974 after taking into account their basic pay as revised and refixed as per Government of Kerala G.O.(P)/91/74-Finance dated 5-4-1974 is justified? If so, what should be the basic wages and dates of increment of these employees?"

2. In order to appreciate the preliminary objection raised to the maintainability of the Reference on account of jurisdiction of this Tribunal, it is necessary to set out in short the facts of the case.

3. Consequent upon the nationalisation of General Insurance business with effect from 1-1-1973, 20 employees in the Insurance Department of the Kerala State Government were rendered surplus and were transferred to the General Insurance Corporation of India. At the time of the transfer of these employees, the question of revision of pay and allowances of the Government servants in Kerala were pending consideration of the State Pay Commission. These 20 employees who were involved in this case were asked to join the services of the Corporation with effect from 1-9-1973. By their Order dated 5-4-1974 the Government of Kerala revised the scales of pay of their employees and gave pay revision with retrospective effect from 1-7-1973. These 20 employees were paid the arrears as per the revised scales for the period from 1-7-1973 to 31-8-1973. By the Notification dated 27-5-1974, the Government of India framed the General Insurance (Rationalisation and Revision of Pay Scales and other Conditions of Services of Supervisory, Clerical and Subordinate Staff) Scheme, 1974. Para 6 of this Scheme deals with the method of fixation in the new scales. So far as these 20 employees are concerned, they were fixed in the revised scales as provided in para 6(a) of the Scheme. Contention on behalf of these 20 employees is that they should have been fixed in terms of para 6(C) of the Scheme.

4. The New India Assurance Co. Ltd. has raised the preliminary objection that the Reference is incompetent inasmuch as this Tribunal has no jurisdiction to proceed with the matter.

5. Section 16(1)(g) of the General Insurance Business (Nationalisation) Act, 1972 (hereinafter referred to as the Act of 1972) provides a Scheme for reorganisation of General Insurance Business. Amongst other things the scheme is to provide for the rationalisation or revision of pay scales and other terms and conditions of service of officers and other employees wherever necessary. In exercise of powers conferred by Section 16(1)(g) of the Act of 1972 such a Scheme has been prescribed and it may be referred to as Scheme of 1974. Sub-section 7 of Section 16 of the Act of 1972 lays down that "the provisions of this section and of any scheme framed under it shall have effect notwithstanding anything to the contrary contained in any other law or any agreement, award or other instrument for the time being in force." It has been vehemently argued for the Company that the effect of this sub-section is that the Scheme is a self-contained code and for the resolution of any doubt or difficulty as to the interpretation of any provision of this Scheme, recourse should be had to the provision of the Scheme and not to any outside agency.

6. Paragraph 21 of the Scheme provides a machinery as to the interpretation of the terms of this Scheme. It says that where any doubt or difficulty arises as to the interpretation of any provision of this Scheme it shall be referred to the Central Government for decision and that Government shall decide the same. The argument on behalf of the Company is that if any doubt or difficulty has arisen whether the fixation should be done under para 6(a) or 6(c) of the Scheme, the proper forum is the Central Government and not this Tribunal.

7. I find substance in the above contention. It will be noticed that para 22 of the Scheme empowers the Managing Director to relax any particular provision if it operates any undue hardship in any particular case. Once a complete machinery is provided there is substance in the objection raised on behalf of the Company that that machinery should be resorted to and not this Tribunal. It is common ground

that the 20 employees or their Association has not approached the Central Government for resolution of the dispute.

8. On behalf of the Applicants two points were raised; first was that para 21 does not indicate that the decision of the Central Government shall be final. I do not see how the absence of such a provision can vest authority in this Tribunal. Secondly, it was argued that it is the Company alone which can take the matter in dispute to the Central Government and not the workers or their Associations. For this purpose support was sought to be obtained from two decisions on Section 19A of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952. These decisions are Nagpur Glass Works Ltd. V/s. Regional Provident Fund Commissioner (1960 II LLJ page 301) and Wadi Stone Marketing Company (Private) Ltd. V/s. Regional Provident Fund Commissioner and another (1965 II LLJ page 32). In my opinion these two decisions cannot avail the Association. It will be noticed that the wording of Section 19A of the aforesaid Act, 1952 are different. The wordings are that "if any difficulty arises in giving effect to the provisions of this Act, and in particular, if any doubt arises....." Regard being had to the words used, namely, if any difficulty arises in giving effect to the provisions of this Act, it was held in the case of Wadi Stone Marketing Co. (Private) Ltd. V/s. Regional Provident Fund Commissioner and another that "Section 19A does not require the Central Government to decide any dispute that may arise between the authorities enforcing the provisions of the Act and the persons against whom those provisions are enforced."

9. For the above reasons, I agree with the New India Assurance Co. Ltd. that this Tribunal has no jurisdiction and, accordingly, the Reference is incompetent.

10. The Reference is answered accordingly.

J. NARAIN, Presiding Officer.

[F. No. L-17011/1/76-D.II.A]

R. P. NARULIA, Under Secy.

New Delhi, the 17th April, 1978

S.O. 1272.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the following award of the Central Government Industrial Tribunal Ahmedabad in the Industrial dispute between the employers in relation to the management of the Bank of Baroda Southern Region, Ahmedabad, and their workmen, which was received by the Central Government on the 3-4-1978.

BEFORE SHRI R. C. ISRANI, PRESIDING OFFICER,
INDUSTRIAL TRIBUNAL, AHMEDABAD

Reference (ITC) No. 2 of 1977

ADJUDICATION :

BETWEEN

The management of the Bank of Baroda, Ahmedabad
—First Party.

AND

The workmen employed under it—Second Party.

In the matter of termination of the services of
Shri S. S. Sinduria, Clerk in Parsi Sheri Branch
of the Bank.

APPEARANCES :

Shri C. V. Pavaskar—for the First Party.

Shri K. R. Mehta—for the Second Party.

AWARD—PART I

This is a reference made by the Government of India to this Tribunal under sub-section (1) of Section 33B of the Industrial Disputes Act, 1947 hereinafter to be referred to as "the Act", vide the Government of India, Ministry of Labour's Order No. S.O. dated 7-6-1977, in respect of an industrial dispute which has arisen between the parties

viz. the Management of the Bank of Baroda, Ahmedabad and the workmen employed under it. At first, this reference was made to the Industrial Tribunal presided over by Shri M. U. Shah but thereafter the reference was withdrawn from that Tribunal and it was sent to this Tribunal.

2. The dispute as it appears from the schedule attached to the original order under which this reference has been made relates to the demand which is as under:—

"Whether the action of the management of the Bank of Baroda, Southern Region, Ahmedabad in terminating the services of Shri S. S. Sinduria, Clerk, Parsi Sheri Branch of the Bank with effect from 13-4-1976 is justified? If not, to what relief is the workman concerned entitled?"

3. In support of this demand, one Shri K. R. Mehta, the Executive Committee Member of the All India Bank of Baroda Employees' Union and as the authorised representative of Shri S. S. Sinduria who will hereinafter be referred to as "the workman", has filed the statement of claim Ex. 2 on 18-7-1977. It is the contention of the Union that the workman was employed as a Clerk by the first party and he was working in the Parsi Sheri Branch of the Bank at Surat. It is the claim of the Union that the workman was doing his work quite satisfactorily and there was no complaint about his work. The allegation is that the Bank Authorities, without following the procedure laid down in the Act, terminated the services of the workman with effect from 13-4-1976. It is the contention of the Union that this action of the management of the first party was mala fide and it was taken only with a view to take revenge from the workman who had come in conflict with the then Agent of the said branch of the Bank one Shri C. R. Desai. After the services of the workman were terminated, he had approached the Bank Authorities for the reconsideration of his case and for his reinstatement in his original position in the Bank. However, his request was not heeded to and, therefore, he had raised an industrial dispute before the Assistant Commissioner of Labour, Government of Gujarat. Before the said Conciliator the parties had appeared and certain negotiations had taken place in order to bring about a settlement between them. However, those negotiations had ultimately failed and therefore the Conciliator had submitted a failure report to the Government of India with a request that the dispute may be referred for adjudication to the Industrial Tribunal of the Central Government. It is under these circumstances that the present reference has been made to this Tribunal.

4. On behalf of the Bank Authorities, the written statement Ex. 3 has been filed on 6th October, 1977. Alongwith the other contentions which have been taken by the Bank Authorities on the merits of the claim put forth by the concerned workman through this reference, two legal contentions have been taken regarding the legal maintainability of this reference. It has been urged on behalf of the Bank Authorities that those two legal contentions should be heard as preliminary points because the decisions on those two contentions are likely to result in the final disposal of this reference without entering into the merits or otherwise of the demand covered by this reference. In this connection a reference is invited to paragraph 1 of the written statement Ex. 3 which is as under:—

"At the outset the Bank says that the reference made by the Central Government clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 in respect of industrial dispute between the employers in relation to the management of Bank of Baroda, Ahmedabad and their workman is bad in law, in that what is referred to this Hon. Tribunal is not an industrial dispute within the meaning of that expression under section 2(k) of the Industrial Disputes Act, 1947. The Bank says that the present dispute is between the employers in relation to the management of Bank of Baroda and its workman as would be apparent from the recital to the reference dated 7th June, 1977. The Bank says that the present reference has been made on a misapprehension that an industrial dispute exists between the employers in relation to the management

of Bank of Baroda, Ahmedabad and their workmen in respect of the matters specified in schedule to the said reference. The Bank further says that its workmen are represented by the All India Bank of Baroda Employees Union. It is submitted that no demand was submitted by the said union to the Bank demanding reinstatement of Shri S. S. Sinduria with effect from 13-4-1975. The Bank says that in the absence of any demand from the Union there cannot be an industrial dispute between the Bank and its workmen under Section 2(k) of the Industrial Disputes Act and consequently it is respectfully submitted that the reference is bad in law. Without prejudice to the above contention, the Bank further says that there is no material on record to suggest that the said union was authorised by the workmen of the Bank at a meeting held in this behalf to raise the demand for reinstatement of the workman concerned. The Bank says that the Union should be put to strict proof thereof. The Bank further says that in the absence of a Resolution authorising the union to espouse the cause of the workman concerned, namely, Shri S. S. Sinduria in respect of his reinstatement, no demand could be made and no dispute can therefore arise between the Bank and its workmen".

5. Again, a further preliminary contention is taken in paragraph 2 of the written statement which is as under :—

"2. Without prejudice to the aforesaid contention the Bank further says that the workman also did not raise any demand regarding his reinstatement and consequently the reference is bad in law and ought to be rejected on this ground. The Bank says that the points raised hereinabove go to the root of the question as to tenability of the reference, it is prayed that the validity of the reference may be decided as a preliminary issue before embarking on the merits of the case".

6. Since it was urged on behalf of the Bank Authorities that these two preliminary contentions should be heard at first, it was decided after hearing the learned representatives of the parties, that these two preliminary contention should be heard in the first instance before entering into the merits or otherwise of the demand covered by this reference. Even for the decision of these two preliminary contentions, the parties have led evidence in this reference. Since the preliminary contentions were taken on behalf of the Bank Authorities, the evidence has been led in the first instance on their behalf. One Shri S. K. Desai has been examined at Ex. 14 who is the Officer in charge for Staff and Personnel for Branches of the Bank of Baroda in South Gujarat. On behalf of the concerned workmen he himself has entered into the witness box and his evidence is recorded at Ex. 19. The parties have also produced certain documentary evidence which has been admitted and exhibited in the reference with their mutual consent.

7. The Bank was represented by Shri C. V. Pavaskar and the workman was represented by Shri K. R. Mehta, who has been given a letter of authority Ex. 8/2 dated 22-11-1976 duly signed by the workman in his favour. After hearing the learned representatives of the parties and after persuading and considering the oral evidence led and the documentary evidence produced in this reference, I am of the opinion that the two preliminary contentions taken on behalf of the Bank Authorities against the legal maintainability of this reference, have absolutely no force and, therefore, deserve to be rejected. My reasons for this finding are as under :—

8. Shri Pavaskar on behalf of the Bank has referred to the definition of 'Industrial disputes' as given in Section 2(k) of the Act which reads as under :—

"2(k) "industrial dispute" means any dispute or difference between employers and employees, or between employers and workmen, or between women and workmen, which is connected with the employment or non-employment or the terms of employment or with the conditions of labour, of any person."

9. It was vehemently urged by Shri Pavaskar that there can be no industrial dispute unless a demand is made and a refusal is obtained from the employer. It is urged by him that in the instant case there is nothing on record to show that the Union representing the workman before this Tribunal in this reference had made any demand from the Bank Authorities for the reinstatement of the workman after 13-4-1976 from which date his services were terminated by the Bank Authorities. In this connection, he has referred to the evidence of Shri S. K. Desai at Ex. 14 who has deposed as under :—

"After his services were terminated from Parsi Sheri, Surat we did not receive any demand for reinstatement etc. either from his directly or from the Union on his behalf."

10. It is, therefore, contended by Shri Pavaskar on behalf of the Bank that since there was no demand either from the workman directly or from any Union on his behalf and since there was no refusal on the part of the Bank Authorities of the said demand, it cannot be said that there was any industrial dispute between the parties and that being the position, the Government of India was not justified in making this reference to this Tribunal. In my opinion, this contention raised by Shri Pavaskar is neither factually nor legally correct. There is documentary evidence on record of this reference which clearly shows and establishes that after the service of the workman was terminated, he did make a demand personally from the Bank Authorities to cancel the order of his termination and to reinstate him in his original position. Before I refer to that documentary evidence, let me refer to the provisions of Section 2A of the Act which are to the following effect :—

"2A. Where any employer discharges, dismisses, retrenches or otherwise terminates the services of an individual workman, any dispute or difference between that workman and his employer connected with, or arising out of, such discharge, dismissal, retrenchment or termination shall be deemed to be an industrial dispute notwithstanding that no other workman nor any union of workman is party to the dispute."

11. From these provisions of the Act it becomes clearly that in case the services of an individual workman are terminated, he, in his individual capacity can raise an industrial dispute as such an action on the part of the employer would amount to an industrial dispute as envisaged under the said provisions. In this case, therefore, so far the workman is concerned, after the termination of his services, if he made a demand calling upon the Bank Authorities to cancel the order of his termination and to reinstate him, it can be safely held that an industrial dispute was raised between the parties. As stated above, the workman has been examined at Ex. 19. He has deposed before this Tribunal that after his services were terminated with effect from 13-4-1976, he had addressed the letter dated 21-4-1977 to Shri C. R. Desai the Agent of the Bank of Baroda, Parsi Sheri, Branch, Surat. A copy of this letter has been produced at Ex. 20. He further deposed that the said letter dated 21-4-1976 was sent to Shri Desai under certificate of posting and a photo-stat copy of the postal receipt having the seals of the Postal Department and the dated 21-4-1976 has also been produced at Ex. 12/1. The workman has deposed that the said letter Ex. 20 was sent under the certificate of posting for which the postal receipt Ex. 12/1 was given to him. The law is now fully established that if any letter is sent by post under certificate of posting and that fact is proved by producing the postal receipt issued in that connection, there should be a presumption that the letter in question must have been received by the addressee though the said presumption is rebuttable and the party contending that position would be at liberty to rebut that presumption. When this fact was brought to the notice of the Bank Authorities, Shri S. K. Desai who was examined on behalf of the Bank at Ex. 14 was questioned during his cross-examination on this point. During his cross-examination he stated as under :—

"I am shown certificate of posting dated 21-4-1976 at Ex. 12/1 showing that some letter was addressed to Shri C. R. Desai, Agent, Bank of Baroda, Parsi Sheri Branch, Surat. In this connection inquiries were made from Shri C. R. Desai and his reply was received from him dated 1-10-1977 to the effect that they did not appear to have received

letter dated 21-4-1976 from Mr. S. S. Sundaria. I produce that letter of Shri Desai."

12. The said letter of Shri Desai is produced at Ex. 15. The relevant position from that letter of Shri Desai, while referring to the application Ex. 20 dated 21-4-1976 addressed by the workman to Shri Desai, is to the following effect :—

"We do not appear to have received letter dated 21-4-1976 from Mr. S. S. Sinduria as stated by him in his letter dated the 26th August, 1976."

13. It is clear from this letter Ex. 15 that Shri Desai also was not in a position to deny categorically that the letter dated 21-4-1976 of which the copy is produced at Ex. 20 was not received by him. Shri Desai has not been examined by the Bank Authorities to come before this Tribunal and to deny the fact of his having received the letter Ex. 20 from the workman. Again, after having sent that letter Ex. 20 on 21-4-1976, the workman had sent the second letter Ex. 21 on 26-8-1976 to Shri Desai and the fact of the having received that letter is admitted in his letter Ex. 15. In the second letter also a reference is made by the workman to his previous letter Ex. 20 dated 21-4-1976 which he had addressed to Shri Desai. In view of this documentary evidence on record of this reference, it is fully established that the workman did send the letter or application Ex. 20 dated 21-4-1976 to Shri Desai the Agent of the Branch of the Bank from where the services of the workman were terminated. We will have, therefore, to scrutinise the letter Ex. 20 as well as the subsequent letter Ex. 21 in order to find out whether through those two letters the workman had made a demand that he should be reinstated in his original position and that the order of the termination of his services be cancelled?

14. On going through the first letter Ex. 20 dated 20-1-1976, it becomes very clear that the workman had challenged the order of the Bank Authorities and had also made a demand though it was couched in a decent and polite language, requesting the Bank to reinstate him in his original position. To quote the very words used by the workman it was stated as under :—

ENGLISH RENDERING OF GUJARATI TEXT ABOVE

Your order is illegal. In the context of the above mentioned order, I humbly request you to declare the said order illegal and against the principles of natural justice. This order may be reviewed and my pay seniority and living allowance should be restored and I should be reinstated in service.

15. Again through the second letter Ex. 21 dated 21st August, 1976, a reference was made to the previous letter and in paragraph 4 it was stated as under :—

"In the end I humbly request you to withdraw my dismissal order which is quite illegal and against the principles and procedure of the Bank and also against the equity and natural justice."

16. It is clear from these two letters that if definite demand was made by the workman to reinstate him in his original position and therefore it cannot be said that in this case no demand was made by the workman. Since Bank Authorities did not reinstate him, it can be safely held that the request made or the demand put forward by the workman was rejected by the Bank Authorities. It is clear from the record that when the Bank Authorities did not pay any heed, the workman approached the authorities in conciliation and ultimately the conciliation proceedings were started. The Assistant Labour Commissioner vide his letter Ex. 69, informed the workman that he should make his representation in usual course. It is thereafter that he sent the representation Ex. 16 dated 24th September, 1976, to the Assistant Commissioner of Labour (Central) at Ahmedabad. In paragraph 7 of that representation the workman referred to the two letters he had addressed to the Bank Authorities. In that paragraph 7 he stated as under :—

"7. The applicant approached the opponent Bank vide his letter dated 21-4-76 and 26-8-76 for reinstatement in services and back wages, but the opponent is not paying any heed and even not cared to reply the same."

17. From these facts it becomes clear that the workman had made a demand which was turned down by the Bank Authorities. The Conciliator did not succeed in his efforts

to bring about a settlement between the parties and he submitted his failure report on 20th December, 1976. In that report he observed as under :—

"Since both the parties held two divergent views my efforts to resolve the dispute in conciliation ended in failure."

18. From this remark also it becomes clear that both the parties had appeared before the Conciliator and had participated in the deliberations for bringing about the settlement between them. This clearly shows that the Bank Authorities knew about the existence of this industrial dispute which had been definitely raised by the workman. The witness examined on behalf of the Bank Shri S. K. Desai, had admitted during his cross-examination at Ex. 14 that he had stated neither orally nor in writing before the Conciliating Authority that in respect of the present dispute he had not received any demand notice either from the concerned workman or from the Union. This clearly establishes that the Bank Authorities knew about the demand having been raised by the workman which was obviously turned down by the Bank Authorities.

19. Shri Pavaskar on behalf of the Bank had referred to a few decisions in order to canvass the proposition that if no dispute is raised by the concerned workman or the union representing him, it cannot be said that there was an industrial dispute and therefore no reference can be made in respect of such a dispute. I have gone through those decisions to which I will presently refer and am of the opinion that the facts of those cases were quite different from those of the present case in which the dispute was admittedly raised by the workman himself. The first decision cited by him is reported in Indian Factories and Labour Reporter, 1975 (Vol. 31 at page 305) in the case of Orissa Industries (P) Ltd., and Presiding Officer, Industrial Tribunal and others. In that case it was held that a demand must be made by the workman and there should be proof on the record that such a demand was made for which the onus is also on the concerned workman. It was further stated that Section 2A of the Act does not alter the definition of industrial dispute as given in Section 2(k) of the Act. It was finally held in that case that there being no industrial dispute, the reference by the Government under Section 10(1) read with Section 12(5) was without jurisdiction. The impugned award passed by the Tribunal was, therefore, liable to be quashed. Since in the present case the raising of the demand has been fully established, it cannot be said that there is no industrial dispute between the parties to this reference. The second decision is also reported in the same Report at page 393 in the case of Kalaimagal Group of Newspapers and Labour Court, Madras and another. In this case it was held that if the industrial dispute was initially raised by an individual employee, the same will not become an industrial dispute even if it was referred by the Government at the instance of an union. It was further held that the union was not entitled to file claim statement without reference to concerned workmen. Even this decision would not apply to the facts of the present case because as soon as the dispute was referred for adjudication, at first to the Industrial Tribunal presided over by Shri N. U. Shah vide the Order dated 7-6-1977, the workman had given authority in writing Ex. 5/2 dated 22-11-1976 to Shri Mehta the Member of the Executive Committee of the Union to represent him before that Tribunal. As such, when the reference was ultimately transferred to this Tribunal vide the Order dated 30th June, 1977, Shri Mehta had authority in writing from the concerned workman to represent him in this reference. The statement of claim Ex. 2 was filed as late as on 18-7-1977 and by that time Shri Mehta was fully authorised by the workman to represent him in this reference. As such, it cannot be said that the Union or Shri Mehta being Executive Member of the Union, had, no authority to file statement of claim on behalf of the workman. As such, even this decision would not be helpful to the Bank Authorities.

20. The third decision cited by Shri Pavaskar is reported in 1973 II L.L.J. at page 307 in the case between Delhi Transport Corporation, Prariyahanalaya, Indraprastha Estate, New Delhi and Delhi Administration and others. In that case it was held that the demand by the workman and its rejection are essential to constitute industrial dispute. In that case it was found that the impugned order of reference by Government was not based on the relevant material at all and the reference was, therefore, incompetent. Even this decision would not apply to the facts of the present

case because in this case the demand was raised by the workman and it was not accepted or conceded by the Bank Authorities. The fourth and the last decision cited by Shri Pavaskar is reported in 1968 I. L.L.J. on page 834 in the case between Sindhu Resettlement Corporation, Ltd. and Industrial Tribunal, Gujarat and others. The relevant passage from the head note on page 835 is to the following effect :—

"On the facts of this case it is clear that the reference made by the Government was not competent. A mere demand to Government without a dispute being raised by the workmen with their employer cannot become an industrial dispute."

21. Even this decision can have no relevance to the facts of the present case because in this case it has been fully established that the demand had been made by the concerned workman for reinstatement before the Bank Authorities and it was rejected or not heeded to by these Authorities. From this entire discussion it will appear that the first preliminary contention raised on behalf of the Bank has absolutely no force and deserves to be rejected.

22. As regards the second contention, even that has absolutely no force because, before any proceedings could start before this Tribunal, Shri Mehta was given legal authority by the workman in writing through Ex. 8/2 on 22-11-1976 to represent him in this reference. Admittedly the Union by name All India Bank of Baroda Employees Union is a registered union and Shri K. R. Mehta is the Member of the Executive Committee of that Union. Con-

sidering the provisions of Section 36(1) of the Act, Shri Mehta who is the Member of the Executive Committee of that registered union and who has been given authority in writing by the concerned workman, can legitimately represent him before this Tribunal. If the concerned workman had not given authority to the Union through Shri Mehta, then perhaps the Union or Shri Mehta may not have been in a position to represent him but since a legal authority has been given, there would be absolutely no difficulty in the way of the Union through a member of its executive committee Shri Mehta, to represent the workman in this reference. As such, even the second preliminary contention raised on behalf of the Bank has no force at all and deserves to be rejected.

23. Both the preliminary contentions raised on behalf of the Bank having absolutely no force are directed to be rejected and the reference to proceed further on its merits in respect of the demand covered by it. Since the Bank has failed in its two preliminary contentions, it is further directed that the Bank to pay Rs. 100/- by way of costs to the Union representing the workman.

R. C. ISRANI, Presiding Officer,
Ahmedabad.

Dated 16th March, 1978.

[F. No. L-12012/202/76-D. II. A.]
R. P. NARULA, Under Secy.

